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Buffalo, N.Y. Charters.

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The CHARTER  
OF THE

CITY OF BUFFALO, accepted  
by the electors of — Buffalo on referendum  
Vote Nov. 2, 1914, ~~1916~~  
Operative Jan. 1, 1916. 1916/



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# THE CHARTER

OF THE

# CITY OF BUFFALO

Being Chapter No. 217 of the Laws of 1914 of the State  
of New York, accepted by the Electors of Buffalo  
on referendum vote November 2, 1914.  
Operative January 1, 1916

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## COMMISSION GOVERNMENT

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Edited and Indexed by  
DANIEL J. SWEENEY  
City Clerk

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Containing List of all Officials of the City  
since its incorporation

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# OFFICERS

## CITY OF BUFFALO

OF THE GOVERNMENT OF THE  
FROM ITS INCORPORATION IN 1832 TO 1915

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AN ACT "TO INCORPORATE THE CITY OF BUFFALO," CHAPTER 179, LAWS OF 1832, created the corporation of the "City of Buffalo," dividing the city into five wards, and providing for the election by the people annually, of two Aldermen and one Assessor in each ward, the Aldermen and the Mayor to be known as the "Common Council," with power to annually appoint a Mayor, Clerk, Treasurer, Attorney, Street Commissioner, Collector, Clerk of the Markets, Police Constables, Pound Masters, Porters, Carriers, Cartmen, Packers, Beadles, Bellmen, Sextons, Criers, Scavengers, Measurers, Surveyors, Weighers, Sealers of Weights and Measures, and Gaugers. Following is a list of the Aldermen elected under this Charter, and the names of the principal officers appointed by the Council:

1832.\*

*Mayor* ..... Ebenezer Johnson.  
*Clerk* ..... Dyre Tillinghast.  
*Treasurer* ..... Henry R. Seymour.  
*Attorney* ..... George P. Barker.  
*Surveyor* ..... James J. Baldwin.  
*Street Commissioner* ..... Edward Baldwin.

### COMMON COUNCIL.

1st Ward—Isaac S. Smith, Joseph W. Brown.  
2d     "     John G. Camp, Henry Root.  
3d     "     David M. Day, Ira A. Blossom.  
4th    "     Henry White, Major A. Andrews.  
5th    "     Ebenezer Walden, Thomas C. Love.

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\* From the year 1832 to 1841, the Mayor was elected by the Common Council.

1833.

<i>Mayor</i> .....	Major A. Andrews.
<i>Clerk</i> .....	Elijah J. Roberts.
<i>Treasurer</i> .....	Henry R. Seymour.
<i>Attorney</i> .....	William A. Moseley.
<i>Surveyor</i> .....	James J. Baldwin.
<i>Street Commissioner</i> .....	Edward Baldwin.

## COMMON COUNCIL.

1st Ward—	Stephen Clark, Joseph W. Brown.
2d “	John G. Camp, James Durick.
3d “	George B. Webster, Darius Burton.
4th “	Philander Bennett, Moses Baker.
5th “	Sheldon Smith, Sylvester Mathews.

1834.

<i>Mayor</i> .....	Ebenezer Johnson.
<i>Clerk</i> .....	Elijah J. Roberts.
<i>Treasurer</i> .....	Orlando Allen.
<i>Attorney</i> .....	William A. Moseley.
<i>Surveyor</i> .....	James J. Baldwin.
<i>Street Commissioner</i> .....	Edward Baldwin.

## COMMON COUNCIL.

1st Ward—	Isaac S. Smith, Stephen Clark.
2d “	Squire S. Case, Henry Root.
3d “	Birdsey Wilcox, John T. Hudson.
4th “	Moses Baker, Elijah Ford.
5th “	Sylvester Mathews, James Miller.

1835.

<i>Mayor</i> .....	Hiram Pratt.
<i>Clerk</i> .....	Theodotus Burwell.
<i>Treasurer</i> .....	Henry Root.
<i>Attorney</i> .....	Nathan K. Hall.
<i>Surveyor</i> .....	William B. Gilbert.
<i>Street Commissioner</i> .....	Sylvester Mathews.

## COMMON COUNCIL.

1st Ward—	John W. Clark, John Prince.
2d    “	Squire S. Case, Orlando Allen.
3d    “	Ira A. Blossom, William F. P. Taylor.
4th   “	Elijah Ford, Noyes Darrow.
5th   “	Manly Colton, Nathaniel Vosburgh.

1836.

<i>Mayor</i> .....	Samuel Wilkeson.
<i>Clerk</i> .....	Elbridge G. Spaulding.
<i>Treasurer</i> .....	A. J. Douglas.
<i>Attorney</i> .....	John L. Talcott.
<i>Surveyor</i> .....	William B. Gilbert.
<i>Street Commissioner</i> .....	Alanson Webster.

## COMMON COUNCIL.

1st Ward—	John Prince, Aaron Goodrich.
2d    “	James Durick, M. L. Faulkner.
3d    “	S. K. Grosvenor, Silas Sawin.
4th   “	Nathaniel Wilgus, Harlow French.
5th   “	Dan. F. Kimball, Jeremiah Staats.

1837.

<i>Mayor</i> .....	Josiah Trowbridge, M. D.*
<i>Clerk</i> .....	Theodore C. Peters.
<i>Treasurer</i> .....	Hamlet Scranton.
<i>Attorney</i> .....	Theodore C. Peters.
<i>Surveyor</i> .....	William B. Gilbert.
<i>Street Commissioner</i> .....	William K. Scott.

## COMMON COUNCIL.

1st Ward—	William Valteau, William J. Mack.
2d    “	Jacob A. Barker, George E. Hayes.
3d    “	Walter Joy, Edward L. Stevenson.
4th   “	Nathaniel Wilgus, Moses Baker.
5th   “	Pierre A. Barker, Nathan K. Hall.

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\* Resigned December 22, 1837, and Pierre A. Barker elected.

1838.

<i>Mayor</i> .....	Ebenezer Walden.
<i>Clerk</i> .....	Theodore C. Peters.
<i>Treasurer</i> .....	Hamlet Scranton.
<i>Attorney</i> .....	Theodotus Burwell.
<i>Surveyor</i> .....	William K. Scott.
<i>Street Commissioner</i> .....	William K. Scott.
<i>Suprintendent of Schools</i> ...	O. G. Steele.*
<i>Police Justice.</i> .....	James L. Burton.*

## COMMON COUNCIL.

1st Ward—	Daniel F. Kimball, Charles S. Pierce.
2d    “	Squire S. Case, Lucius Storrs.
3d    “	William F. P. Taylor, James McKay.
4th   “	Nathaniel Wilgus, Moses Baker.
5th   “	Charles Winne, Alonzo Raynor.

1839.

<i>Mayor</i> .....	Hiram Pratt.
<i>Clerk</i> .....	Theodore C. Peters.
<i>Treasurer</i> .....	William Moore.
<i>Attorney</i> .....	Harlow S. Love.
<i>Surveyor</i> .....	William K. Scott.
<i>Street Commissioner</i> .....	William K. Scott.
<i>Suprintendent of Schools</i> ...	O. G. Steele.
<i>Police Justice.</i> .....	James L. Barton.

## COMMON COUNCIL.

1st Ward—	Fordyce W. Atkins, Henry Lamb.
2d    “	Lucius Storrs, Thomas R. Stocking.
3d    “	Wm. Hollister, Jr., Edw. L. Stevenson.
4th   “	Morgan L. Faulkner, F. Dellenbaugh.
5th   “	Peter Curtis, Augustine Kimball.

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\* The office of Superintendent of Schools and Police Justice were created by act of the Legislature in 1837, and the Council was authorized to fill the same.

1840.

<i>Mayor</i> .....	Sheldon Thompson.*
<i>Clerk</i> .....	Squire S. Case.
<i>Treasurer</i> .....	John R. Lee.
<i>Attorney</i> .....	Harlow S. Love.
<i>Surveyor</i> .....	William K. Scott.
<i>Street Commissioner</i> .....	William K. Scott.
<i>Superintendent of Schools</i> ...	Daniel Bowen.
<i>Police Justice.</i> .....	Horace Clark.

## COMMON COUNCIL.

1st Ward—	Henry Lamb, Charles A. Comstock.
2d “	Noah H. Gardner, William Evans.†
3d “	William Williams, Horatio Shumway.
4th “	Philander Bennett, Fred Dellenbaugh.
5th “	Peter Curtis, Isaac R. Harrington.

1841.

<i>Mayor</i> .....	Isaac R. Harrington.
<i>Clerk</i> .....	John T. Lacy.
<i>Treasurer</i> .....	William Williams.
<i>Attorney</i> .....	George W. Houghton.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Henry Lovejoy.
<i>Superintendent of Schools</i> ...	Silas Kingsley.
<i>Police Justice.</i> .....	Horace Clark.

## COMMON COUNCIL.

1st Ward—	Henry Lamb, Ephraim S. Havens.
2d “	Edward Root, Noah H. Gardner.
3d “	Richard Sears, Elbridge G. Spaulding.
4th “	Philander Bennett, O. G. Steele.
5th “	John R. Lee, Henry Roop.

\* By Chap. 21, Laws 1840, Mayors of cities were made elective by the people, and Sheldon Thompson was the first one so chosen for Buffalo.

† Died, and Aaron Rumsey elected to the vacancy.

1842.

<i>Mayor</i> .....	George W. Clinton.
<i>Clerk</i> .....	John T. Laey.
<i>Treasurer</i> .....	John C. Lee.
<i>Attorney</i> .....	Samuel Wilkeson, Jr.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Abram Hemstreet.
<i>Superintendent of Schools</i> ..	Samuel Caldwell.
<i>Police Justice.</i> .....	Horace Clark.

## COMMON COUNCIL.

1st Ward—	Ephraim S. Havens, Erasmus D. Robinson
2d    “	Noah H. Gardner,* Lucius H. Pratt.
3d    “	John Wilkeson,† Orasmus H. Marshall.
4th   “	Oliver G. Steele, Nelson Randall.
5th   “	Hiram W. Pierce, Ashahel Camp.

1843.

<i>Mayor</i> .....	Joseph G. Masten.
<i>Clerk</i> .....	John T. Laey.
<i>Treasurer</i> .....	George C. White.
<i>Attorney</i> .....	Asher P. Nichols.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Charles S. Pierce.
<i>Superintendent of Schools</i> ...	Samuel Caldwell.
<i>Police Justice.</i> .....	Horace Clark.

## COMMON COUNCIL.

1st Ward—	John Cummings, Patrick Smith.
2d    “	Francis S. Ellis, Alex McCulloch, Jr.
3d    “	Abel M. Grosvenor, Manuel Taff.
4th   “	William R. Andrews, Thompson Hersee.
5th   “	Hiram W. Pierce, Elbridge Farwell.

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\* Resigned, and Elisha A. Maynard elected to the vacancy.

† Resigned, and Abel M. Grosvenor elected to the vacancy.

1844.

<i>Mayor</i> .....	William Ketchum.
<i>Clerk</i> .....	John T. Lacy.
<i>Treasurer</i> .....	Robert Pomeroy.
<i>Attorney</i> .....	Seth E. Sill.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Isaac T. Hathaway.
<i>Superintendent of Schools</i> ...	Elias S. Hawley.
<i>Police Justice.</i> .....	Elisha A. Maynard.

## COMMON COUNCIL.

1st Ward—	John Cummings, Patrick Smith.
2d    “	Samuel F. Pratt, Francis S. Ellis.
3d    “	Daniel Bowen, Hiram Barton.
4th   “	James DeLong, Thompson Hersee.
5th   “	Lewis L. Hodges, Samuel G. Walker.

1845.

<i>Mayor</i> .....	Joseph G. Masten.
<i>Clerk</i> .....	Joseph Stringham.
<i>Treasurer</i> .....	William Lovering.
<i>Attorney</i> .....	Eli Cook.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Abram Hemstreet.
<i>Superintendent of Schools</i> ...	O. G. Steele.
<i>Police Justice.</i> .....	E. A. Maynard.

## COMMON COUNCIL.

1st Ward—	Walter W. Stanard, Patrick Smith.
2d    “	Orlando Allen, Sherman S. Jewett.
3d    “	Daniel Bowen, C. A. Van Slyke.
4th   “	Thompson Hersee, Chas. Esslinger.
5th   “	William Williams, Robert Russell.

1846.

<i>Mayor</i> .....	Solomon G. Haven.
<i>Clerk</i> .....	M. Cadwallader.
<i>Treasurer</i> .....	James Crooker.
<i>Attorney</i> ..	James Mullett.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Samuel G. Walker.
<i>Superintendent of Schools</i> ...	Daniel Bowen.
<i>Police Justice.</i> .....	Pearly A. Child.

## COMMON COUNCIL.

1st Ward—	Patrick Smith, Jacob W. Banta.
2d     “	Sherman S. Jewett, Samuel T. Atwater.
3d     “	George R. Babcock, Lester Brace.
4th    “	Nelson Ransdall, Harlow French.
5th    “	Benoni Thompson, Samuel Haines.

1847.

<i>Mayor</i> .....	Elbridge G. Spaulding.
<i>Clerk</i> .....	Jesse Walker.
<i>Treasurer</i> .....	John R. Lee.
<i>Attorney</i> .....	James Sheldon, Jr.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Samuel G. Walker.
<i>Superintendent of Schools</i> ...	Elias S. Hawley.
<i>Police Justice.</i> .....	Pearly A. Child.

## COMMON COUNCIL.

1st Ward—	Jacob W. Banta, Patrick Smith.
2d     “	Orlando Allen, Latham A. Burrows.
3d     “	Calvin Bishop, Hiram Barton.
4th    “	Albert S. Merrill, Oliver G. Steele.
5th    “	Luman K. Plimpton, Watkins Williams.



## 1848.

<i>Mayor</i> .....	Orlando Allen.
<i>Clerk</i> .....	Jesse Walker.
<i>Comptroller</i> .....	M. Cadwallader.*
<i>Treasurer</i> .....	John R. Lee.
<i>Attorney</i> .....	J. F. Brown.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Samuel G. Walker.
<i>Superintendent of Schools</i> ...	Elias S. Hawley.
<i>Police Justice.</i> .....	Pearly A. Child.

## COMMON COUNCIL.

1st Ward—	Walter W. Stanard, John M. Smith.
2d “	Daniel Bowen, Daniel M. Vanderpool.
3d “	Levi Allen, Paul Roberts.
4th “	Albert S. Merrill, Harry H. Matteson.
5th “	Luman K. Plimpton, Watkins Williams.

## 1849.

<i>Mayor</i> .....	Hiram Barton.
<i>Clerk</i> .....	Jesse Walker.
<i>Comptroller</i> .....	M. Cadwallader.
<i>Treasurer</i> .....	John R. Lee.
<i>Attorney</i> .....	Charles D. Norton.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Samuel G. Walker.
<i>Superintendent of Schools</i> ...	Daniel Bowen.
<i>Police Justice.</i> .....	Pearly A. Child.

## COMMON COUNCIL.

1st Ward—	Warren Lampman, Horace Thomas.
2d “	Sherman S. Jewett, Myron P. Bush.
3d “	Samuel A. Bigelow, Charles F. Miller.
4th “	Albert S. Merrill, Harrison Park.
5th “	William K. Scott, Lueius F. Tiffany.

\* The Council was authorized in 1813 to appoint Comptroller, but none was chosen until 1848.

1850.

<i>Mayor</i> .....	Henry K. Smith.
<i>Clerk</i> .....	Horatio Seymour, Jr.
<i>Comptroller</i> .....	M. Cadwallader.
<i>Treasurer</i> .....	Daniel T. Marcy.
<i>Attorney</i> .....	James Wadsworth.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	Albert S. Merrill.
<i>Superintendent of Schools</i> ...	Henry K. Viele.
<i>Police Justice.</i> .....	Pearly A. Child.

## COMMON COUNCIL.

1st Ward—	Jacob W. Banta, John Walsh.
2d    “	Myron P. Bush, Milo W. Hill.
3d    “	Paul Roberts, Miles Perry.
4th   “	Harrison Park, Abram S. Swartz.
5th   “	Lucius F. Tiffany, George L. Hubbard.

1851.

<i>Mayor</i> .....	James Wadsworth.
<i>Clerk</i> .....	William L. G. Smith.
<i>Comptroller</i> .....	M. Cadwallader.
<i>Treasurer</i> .....	Cyrenius C. Bristol.
<i>Attorney</i> .....	Eli Cook
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> . . . . .	Abram Hemstreet.
<i>Superintendent of Schools</i> ...	O. G. Steele.
<i>Police Justice.</i> .....	Pearly A. Child.

## COMMON COUNCIL.

1st Ward—	Charles S. Pierce, John Walsh.
2d    “	Milo W. Hill, Myron P. Bush.
3d    “	Alexander McKay, Paul Roberts.
4th   “	Abram S. Swartz, Harrison Park.
5th   “	Lucius F. Tiffany, George L. Hubbard.

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OFFICERS OF THE CITY GOVERNMENT

13

1852

<i>Mayor</i> .....	Hiram Barton.
<i>Clerk</i> .....	Roswell L. Burrows.
<i>Comptroller</i> .....	M. Cadwallader.
<i>Treasurer</i> .....	George R. Kibbe.
<i>Attorney</i> .....	Cyrus O. Poole.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> .....	James Howells.
<i>Superintendent of Schools</i> ...	Victor M. Rice.
<i>Police Justice.</i> .....	Charles R. Gold.

COMMON COUNCIL.

1st Ward—	John Walsh, Charles S. Pierce.
2d “	John R. Evans, Milo W. Hill.
3d “	Asaph S. Bemis, Alexander McKay.
4th “	James C. Harrison, Abram S. Swartz.
5th “	Albert L. Baker, Lucius F. Tiffany.

1853.

<i>Mayor</i> .....	Eli Cook.
<i>Clerk</i> .....	Roswell L. Burrows.
<i>Comptroller</i> .....	M. Cadwallader.
<i>Treasurer</i> .....	George R. Kibbe.
<i>Attorney</i> .....	Cyrus O. Poole.
<i>Surveyor</i> .....	Henry Lovejoy.
<i>Street Commissioner</i> . . . . .	John Howells.
<i>Superintendent of Schools</i> ...	Victor M. Rice.
<i>Police Justice.</i> .....	Charles R. Gold.

COMMON COUNCIL.

1st Ward—	Charles S. Pierce, John Walsh.
2d “	Chandler J. Wells, John R. Evans.
3d “	Alexander McKay, Asaph L. Bemis.
4th “	Daniel Devening, Jr., James C. Harrison.
5th “	Hunting S. Chamberlain, Albert L. Baker.

1854.

AN ACT entitled, "AN ACT TO REVISE THE CHARTER OF THE CITY OF BUFFALO, AND TO ENLARGE ITS BOUNDARIES," CHAPTER 230, LAWS OF 1853, divided the city into thirteen wards, and provided for the election of two Aldermen in each of them, and also for the election by the people of a Mayor, Recorder, Comptroller, Attorney, Street Commissioner, Treasurer, Receiver of Taxes, Surveyor, Superintendent of Schools, Police Justice, Chief of Police, Overseer of the Poor, and three Assessors, all for a term of two years, except the Assessors, who were chosen for three years, and the Recorder and Police Justice for four years. The Council was authorized to appoint a presiding officer from their own number, and to elect a City Clerk, and other subordinate officers. By this act the city was enlarged and its limits were extended so as to include the town of Black Rock on the north, east, south and west. The following is a list of the persons chosen to the principal offices under this Charter:

<i>Mayor</i> .....	Eli Cook.
<i>Comptroller</i> .....	William Chard.*
<i>Treasurer</i> .....	John R. Evans.
<i>Receiver of Taxes</i> .....	Michael Danner.
<i>Attorney</i> .....	John Hubbell.
<i>Surveyor</i> .....	George Cole.
<i>Street Commissioner</i> .....	Jacob L. Barnes.
<i>Superintendent of Schools</i> ..	Ephraim F. Cook.
<i>Overseer of Poor</i> .....	Robert Nevitt.
<i>Police Justice</i> .....	George Drullard.
<i>Assessors</i> .....	Benjamin Hodge, Samuel G. Walker, A. C. Moore.

## COMMON COUNCIL.

<i>President</i> —	Stephen W. Howell.†
<i>City Clerk</i> —	Roswell L. Burrows.
<i>1st Ward</i> —	John H. Bidwell, Charles S. Pierce.
<i>2d</i> “	Daniel D. Bidwell, Chandler J. Wells.
<i>3d</i> “	George W. Barker, Samuel Slade.
<i>4th</i> “	Hiram Chambers, John J. Weber.
<i>5th</i> “	Edward Bennett, Henry Lamb.

\* Died during this year, and William Ketchum was elected by the Council for the remainder of the term.

† Prior to this date the Mayor acted as President of the Common Council.

6th Ward—	Harry Miller, Solomon Scheu.
7th “	Allen S. Plumley, Edwin Thayer.
8th “	Zorooster Bonney, Bartholomew Logan.
9th “	Asaph S. Bemis, Charles F. Miller.
10th “	Michael Clor, Watkins Williams.
11th “	Franklin A. Alberger, James Haggart.
12th “	Stephen W. Howell, Fayette Rumsey.
13th “	Joseph A. Bridge, Samuel Twichell, Jr.

1855.

<i>Mayor</i> .....	Eli Cook.
<i>Comptroller</i> .....	William Ketchum.
<i>Treasurer</i> .....	John R. Evans.
<i>Receiver of Taxes</i> .....	Michael Danner.
<i>Attorney</i> .....	John Hubbell.
<i>Surveyor</i> .....	George Cole.
<i>Street Commissioner</i> .....	Jacob L. Barnes.
<i>Superintendent of Schools</i> ...	Ephraim F. Cook.
<i>Overseer of Poor</i> .....	Robert Nevitt.
<i>Police Justice</i> .....	George Drullard.
<i>Assessors</i> .....	Samuel G. Walker, Benjamin Hodge, W. W. Stanard.

## COMMON COUNCIL.

<i>President</i> —	Charles S. Pierce.
<i>City Clerk</i> —	Roswell L. Burrows.
1st Ward—	John H. Bidwell, Charles S. Pierce.
2d “	Levi J. Waters, Chandler J. Wells.
3d “	Samuel Slade, George W. Barker.
4th “	Hiram Chambers, John J. Weber.
5th “	Frederick Dellenbaugh, Edward Bennett.
6th “	Solomon Scheu, Harry Miller.
7th “	A. J. McNett, Allen S. Plumley.
8th “	George J. Rehm, Z. Bonney.
9th “	John F. Lockwood, C. F. Miller.
10th “	Dennis Bowen, Watkins Williams.
11th “	Frederick P. Stevens, James Haggart.
12th “	L. P. Dayton, Fayette Rumsey.
13th “	William C. Prescott, Joseph A. Bridge.

1856.

<i>Mayor</i> .....	Frederick P. Stevens.
<i>Comptroller</i> .....	Charles S. Pierce.
<i>Treasurer</i> .....	William L. G. Smith.
<i>Receiver of Taxes</i> .....	Solomon Scheu.
<i>Attorney</i> .....	Andrew J. McNett.
<i>Surveyor</i> .....	George Cole.
<i>Street Commissioner</i> .....	Patrick Smith.
<i>Superintendent of Schools</i> ...	Ephraim F. Cook.
<i>Overseer of Poor</i> .....	John Rodney.
<i>Police Justice</i> .....	George Drullard.
<i>Assessors</i> .....	Samuel G. Walker, Thos. B. Shepard, Francis G. Pattison.

## COMMON COUNCIL.

<i>President</i> —	Lewis P. Dayton.
<i>City Clerk</i> —	William H. Albro.
1st Ward—	John H. Bidwell, Jarvis Davis.
2d “	Levi J. Waters, Chandler J. Wells.
3d “	Norman Haverman, James O'Brian.
4th “	Hiram Chambers, Hiram P. Thayer.
5th “	Frederick Dellenbaugh, Edward Bennett.
6th “	Lorenz Gillig, Peter Rechtenwalt.
7th “	Allen S. Plumley, William Hellriegel.
8th “	George G. Rehm, Thomas Merrigan.
9th “	J. F. Lockwood, Hunting S. Chamberlain.
10th “	Dennis Bowen, Miles Jones.
11th “	Edward S. Dann, Henry P. Clinton.
12th “	L. P. Dayton, John Ambrose.
13th “	William C. Prescott, Joseph A. Bridge.

1857.

<i>Mayor</i> .....	Frederick Stevens.
<i>Comptroller</i> .....	Charles S. Pierce.
<i>Treasurer</i> .....	William L. G. Smith.
<i>Receiver of Taxes</i> .....	Solomon Scheu.

<i>Attorney</i> .....	Andrew J. McNett.
<i>Surveyor</i> .....	George Cole.
<i>Street Commissioner</i> .....	Patrick Smith.
<i>Superintendent of Schools</i> ...	Ephraim F. Cook.
<i>Overseer of Poor</i> .....	John Rodney.
<i>Police Justice</i> .....	George Drullard.
<i>Assessors</i> .....	Jarvis Davis, Thos. B. Shepard, Francis G. Pat- tison.

## COMMON COUNCIL.

<i>President</i> —	Lewis P. Dayton.
<i>City Clerk</i> —	William H. Albro.
1st Ward—	Michael Hagen, John H. Bidwell.
2d “	Chandler J. Wells, James B. Dubois.
3d “	James O'Brian, Joshua Barnes.
4th “	Hiram P. Thayer, Stephen Bettinger.
5th “	Edward Bennett, Edwin Thayer.
6th “	P. Rechtenwalt, Christopher Rodenbach.
7th “	William Hellriegel, Henry A. Goodrich.
8th “	Thomas Merrigan, Thomas O'Grady.
9th “	Hunting S. Chamberlain, S. W. Carpenter.
10th “	Miles Jones, Henry Martin.
11th “	Henry P. Clinton, Edward S. Dann.
12th “	John Ambrose, Lewis P. Dayton.
13th “	Joseph A. Bridge, Benjamin Dole.

1858.

<i>Mayor</i> .....	Timothy T. Lockwood.
<i>Comptroller</i> .....	Charles S. Pierce.
<i>Treasurer</i> .....	C. A. W. Sherman.
<i>Receiver of Taxes</i> .....	Solomon Scheu.
<i>Attorney</i> .....	Edwin Thayer.
<i>Surveyor</i> .....	Gustavus G. Berger.
<i>Street Commissioner</i> .....	Levi J. Waters.
<i>Superintendent of Schools</i> ...	Joseph Warren.

<i>Overseer of Poor</i> .....	John Rodney.
<i>Police Justice</i> .....	George Drullard.
<i>Assessors</i> .....	Francis G. Pattison, Jarvis Davis, Thos. B. Shepard.

COMMON COUNCIL.

*President*— Daniel Devening, Jr.  
*City Clerk*— William H. Albro.  
*1st Ward*— John H. Bidwell, Michael Hagan.  
*2d* “ James B. Dubois, Chandler J. Wells.  
*3d* “ Joshua Barnes, James O’Brian.  
*4th* “ Stephen Bettinger, Harry Hersee.  
*5th* “ Bela H. Colgrove, Daniel Devening, Jr.  
*6th* “ Christopher Rodenbach, Harry Miller.  
*7th* “ Allen S. Plumley, George F. Pfeiffer.  
*8th* “ Thomas O’Grady. Thomas Truman.  
*9th* “ Socrates W. Carpenter, H. S. Chamberlain.  
*10th* “ Henry Martin, Alonzo Tanner.  
*11th* “ Edward S. Dann, Henry P. Clinton.  
*12th* “ Lewis P. Dayton, John Ambrose.  
*13th* “ Benjamin Dole, George Moore.

1859.

<i>Mayor</i> .....	Timothy T. Lockwood.
<i>Comptroller</i> .....	Charles S. Pierce.
<i>Treasurer</i> .....	C. A. W. Sherman.
<i>Receiver of Taxes</i> .....	Solomon Scheu.
<i>Attorney</i> .....	Edwin Thayer.
<i>Surveyor</i> .....	Gustavus G. Berger.
<i>Street Commissioner</i> .....	Levi J. Waters.
<i>Superintendent of Schools</i> ...	Joseph Warren.
<i>Overseer of Poor</i> .....	John Rodney.
<i>Police Justice</i> .....	Daniel D. Bidwell.
<i>Assessors</i> .....	Lorenz Gillig, Francis G. Pattison, Jarvis Davis.



## COMMON COUNCIL.

*President*—Alonzo Tanner.

*City Clerk*—Charles S. Macomber.

- 1st Ward—Michael Hagan, Patrick Walsh.  
 2d “ Chandler J. Wells, James B. Dubois.  
 3d “ James O'Brian, James G. Turner.  
 4th “ Harry Hersce, Jacob Beyer.  
 5th “ Daniel Devening, Jr., John W. A. Meyer.  
 6th “ Harry Miller, William Messing.  
 7th “ George F. Pfeiffer, Frederick M. Pratt.  
 8th “ Thomas Truman, Pliny F. Barton.  
 9th “ H. S. Chamberlain, Franklin A. Alberger.  
 10th “ Alonzo Tanner, Asaph S. Bemis.  
 11th “ Henry P. Clinton, Austin A. Howard.  
 12th “ John Ambrose, Stephen W. Howell.  
 13th “ George Moore, Lewis L. Wilgus.

1860.

*Mayor* ..... Franklin A. Alberger.

*Comptroller* ..... Alonzo Tanner.

*Treasurer* ..... John S. Trowbridge.

*Receiver of Taxes*..... Michael Weidrich.

*Attorney* ..... George Wadsworth.

*Surveyor* ..... Peter Emslie.

*Street Commissioner* ..... Levi J. Waters.

*Superintendent of Schools*... Sanford B. Hunt.

*Overseer of Poor*..... Charles B. Morse.

*Police Justice* ..... Daniel D. Bidwell.

*Assessors* ..... Francis G. Pattison, Lorenz Gillig, Job Gorton.

## COMMON COUNCIL.

*President*—Asaph S. Bemis.

*City Clerk*—Charles S. Macomber.

1st Ward—John Hanavan, Patrick Walsh.

2d “ Nathaniel Jones, James B. Dubois.

3d Ward—	Zadock G. Allen, James G. Turner.
4th “	Everard Palmer, Jacob Beyer.
5th “	Charles Beckwith, John W. A. Meyer
6th “	Paul Goembel, William Messing.
7th “	Jacob F. Schwartz, Frederick M. Pratt.
8th “	Robert Mills, Pliny F. Barton.
9th “	James Adams, Jacob L. Barnes.
10th “	George R. Yaw, Asaph S. Bemis.
11th “	Jacob Crowder, Austin A. Howard.
12th “	Washington Russell, Stephen W. Howell.
13th “	Thomas Savage, Lewis L. Wilgus.

1861.

<i>Mayor</i> .....	Franklin A. Alberger.
<i>Comptroller</i> .....	Alonzo Tanner.
<i>Treasurer</i> .....	John S. Trowbridge.
<i>Receiver of Taxes</i> .....	Michael Weidrich.
<i>Attorney</i> .....	George Wadsworth.
<i>Surveyor</i> .....	Peter Emslie.
<i>Street Commissioner</i> .....	Levi J. Waters.
<i>Superintendent of Schools</i> ...	Sanford B. Hunt.
<i>Overseer of Poor</i> .....	Charles B. Morse.
<i>Police Justice</i> .....	Daniel D. Bidwell.
<i>Assessors</i> .....	Job Gorton, Lorenz Gillig, Fayette Rumsey.

## COMMON COUNCIL.

<i>President</i> —	Asaph S. Bemis.
<i>City Clerk</i> —	Otis F. Presbry.
1st Ward—	John Hanavan, Patrick Walsh.
2d “	Nathaniel Jones, Joel Wheeler.
3d “	Zadock G. Allen, Nathaniel Brush.
4th “	Everard Palmer, Edward Storek.
5th “	Charles Beckwith, Andrew Grass.
6th “	Paul Goembel, Jacob Scheu.
7th “	Jacob F. Schwartz, Frederick M. Pratt.

8th Ward—	Robert Mills, Charles E. Felton.
9th “	James Adams, Ebenezer P. Dorr.
10th “	George R. Yaw, Asaph S. Bemis.
11th “	Jacob Crowder, Austin A. Howard.
12th “	Washington Russell, Stephen W. Howell.
13th “	Thomas Savage, Thomas Rutter.

## 1862.

<i>Mayor</i> .....	William G. Fargo.
<i>Comptroller</i> .....	Peter M. Vosburgh.
<i>Treasurer</i> .....	Joseph K. Tyler.
<i>Receiver of Taxes</i> .....	Jacob Domedian.
<i>Attorney</i> .....	Harmon S. Cutting.
<i>Surveyor</i> .....	Francis F. Curry.
<i>Street Commissioner</i> .....	James O'Brian.
<i>Superintendent of Schools</i> ...	John B. Sackett.
<i>Overseer of Poor</i> .....	John McManus.
<i>Police Justice</i> .....	Alonzo Tanner.
<i>Assessors</i> .....	Fayette Rumsey, John H. Bidwell, Job Gorton.

## COMMON COUNCIL.

<i>President</i> —	Charles Beckwith.
<i>City Clerk</i> —	Charles S. Macomber.
1st Ward—	Patrick Walsh, John Hanavan.
2d “	James B. Dubois, Joel Wheeler.
3d “	James D. Colie, Alexander Brush.
4th “	Orson C. Hoyt, Edward Storck.
5th “	Charles Beckwith, Andrew Grass.
6th “	Paul Goembel, Jacob Scheu.
7th “	Frederick Bangasser, William A. Sutton.
8th “	Charles E. Felton, Robert Mills.
9th “	Edward S. Warren, Ebenezer P. Dorr.
10th “	George R. Yaw, Asaph S. Bemis.
11th “	Jacob Crowder, Nelson K. Hopkins.
12th “	Lewis P. Dayton, Peter Burgard.
13th “	Rodney M. Taylor, Thomas Rutter.

1863.

<i>Mayor</i> .....	William G. Fargo.
<i>Comptroller</i> .....	Peter M. Vosburgh.
<i>Treasurer</i> .....	Joseph K. Tyler.
<i>Receiver of Taxes</i> .....	Jacob Domedian.
<i>Attorney</i> .....	Harmon S. Cutting.
<i>Surveyor</i> .....	Francis F. Curry.
<i>Street Commissioner</i> .....	James O'Brian.
<i>Superintendent of Schools</i> ...	John B. Sackett.
<i>Overseer of Poor</i> .....	John McManus.
<i>Police Justice</i> .....	Alonzo Tanner.
<i>Assessors</i> .....	Francis G. Pattison, John H. Bidwell, John A. Smith.

## COMMON COUNCIL.

<i>President</i> —	Charles Beckwith.
<i>City Clerk</i> —	Charles S. Macomber.
1st Ward—	Patrick Walsh, John Hanavan.
2d “	George B. Gates, James B. Dubois.
3d “	William P. Moores, S. D. Colie.
4th “	Richard Flach, Orson C. Hoyt.
5th “	Elijah Ambrose, Charles Beckwith.
6th “	Jacob Scheu, Paul Goembel.
7th “	William A. Sutton, Frederick Bangasser.
8th “	Henry C. Persch, Robert Mills.
9th “	William I. Mills, Edward S. Warren.
10th “	Seth Clark, George R. Yaw.
11th “	Nelson K. Hopkins, Jacob Crowder.
12th “	Lewis P. Dayton, Peter Burgard.
13th “	Christian Klink, Rodney M. Taylor.

1864.

<i>Mayor</i> .....	William G. Fargo.
<i>Comptroller</i> .....	Ralph Courter.
<i>Treasurer</i> .....	John Hanavan.

<i>Receiver of Taxes</i> .....	Jacob Domedian.
<i>Attorney</i> .....	Charles Beckwith.
<i>Surveyor</i> .....	Francis F. Curry.
<i>Street Commissioner</i> .....	James O'Brian.
<i>Superintendent of Schools</i> ...	Henry D. Garvin.
<i>Overseer of Poor</i> .....	Joseph Ball.
<i>Police Justice</i> .....	William H. Albro.
<i>Assessors</i> .....	John H. Bidwell, John A. Smith, John McManus.

## COMMON COUNCIL.

<i>President</i> —	Lewis P. Dayton.
<i>City Clerk</i> —	Charles S. Macomber.
1st Ward—	Daniel Fitzgerald, Patrick Walsh.
2d “	Phineas S. Marsh, George B. Gates.
3d “	Alexander Brush, William P. Moores.
4th “	George Fisher, Richard Flach.
5th “	Henry Nauret, Elijah Ambrose.
6th “	Paul Goembel, Jacob Scheu.
7th “	Joseph L. Haberstro, Thomas Clark.
8th “	George Bamler, Henry C. Persch.
9th “	James D. Sawyer, William I. Mills.
10th “	George R. Yaw, Seth Clark.
11th “	John Auchinvole, Nelson K. Hopkins.
12th “	Peter Burgard, Lewis P. Dayton.
13th “	Angus McPherson, Christian Klink.

1865.

<i>Mayor</i> .....	William G. Fargo.
<i>Comptroller</i> .....	Ralph Courter.
<i>Treasurer</i> .....	John Hanavan.
<i>Receiver of Taxes</i> .....	Jacob Domedian.
<i>Attorney</i> .....	Charles Beckwith.
<i>Surveyor</i> .....	Francis F. Curry.
<i>Street Commissioner</i> .....	James O'Brian.
<i>Superintendent of Schools</i> ...	Henry D. Garvin.
<i>Overseer of Poor</i> .....	Joseph Ball.

<i>Police Justice</i> .....	William H. Albro.
<i>Assessors</i> .....	John A. Smith, John Mc- Manus, John H. Bidwell.

## COMMON COUNCIL.

<i>President</i> —	Nelson K. Hopkins.
<i>City Clerk</i> —	Charles S. Macomber.
1st Ward—	Daniel Fitzgerald, James Ryan.
2d    “	Phineas S. Marsh, Jonathan Buell.
3d    “	Alexander Brush, William P. Moores.
4th   “	George Fisher, Richard Flach.
5th   “	Henry Nauret, Elijah Ambrose.*
6th   “	Paul Goembel, Jacob H. Pfohl.
7th   “	Joseph L. Haberstro, Thomas Clark.†
8th   “	George J. Bamler, John P. O'Brian.
9th   “	James D. Sawyer, William I. Mills.‡
10th  “	George R. Yaw, William C. Bryant.
11th  “	John Auchinvole, Nelson K. Hopkins.
12th  “	Peter Burgard, Henry A. Swartz.
13th  “	Angus McPherson, John Kelly, Jr.

1866.

<i>Mayor</i> .....	Chandler J. Wells.
<i>Comptroller</i> .....	William F. Rogers.
<i>Treasurer</i> .....	Joseph Churchyard.
<i>Receiver of Taxes</i> .....	Michael Weidrich.
<i>Attorney</i> .....	George S. Wardwell.
<i>Surveyor</i> .....	John A. Ditto.
<i>Street Commissioner</i> .....	Jeremiah Mahoney.
<i>Superintendent of Schools</i> ...	John S. Fosdick.
<i>Overseer of Poor</i> .....	Joseph Ball.
<i>Police Justice</i> .....	William H. Albro.
<i>Assessors</i> .....	John McManus, John H. Bidwell,* Geo. G. New- man.

\* Resigned Oct. 23, 1865.

† Resigned Oct. 23, 1865. George J. Buchheit elected to fill vacancy. Qualified Nov. 13, 1865.

‡ Resigned Oct. 16, 1865. S. S. Guthrie elected to fill vacancy. Qualified Nov. 13, 1865.

## COMMON COUNCIL.

*President*—Joseph L. Haberstro.

*City Clerk*—Charles S. Macomber.

1st Ward—James Ryan, Thomas Whalen.

2d    “     Jonathan Buell,<sup>†</sup> Phineas S. Marsh,<sup>‡</sup>

3d    “     W. P. Moores, Alexander Brush.

4th   “     Richard Flach, Jacob Beyer.

5th   “     J. Henry Shepard, August Hagar.

6th   “     Jacob H. Pfohl, Solomon Scheu.

7th   “     George J. Buchheit, Joseph L. Haberstro.

8th   “     John R. O'Brian, George J. Bamler.

9th   “     S. S. Guthrie, Henry Morse.

10th  “     William C. Bryant, George R. Yaw.<sup>§</sup>

11th  “     Nelson K. Hopkins,<sup>°</sup> John Auchinvole.

12th  “     Henry A. Swartz, John Glassar.

13th  “     John Kelly, Jr., Angus McPherson.

## 1867.

*Mayor* ..... Chandler J. Wells.

*Comptroller* ..... William F. Rogers.

*Treasurer* ..... Joseph Churchyard.

*Receiver of Taxes*..... Michael Weidrich.

*Attorney* ..... George S. Wardwell.

*Surveyor* ..... John A. Ditto.

*Street Commissioner* ..... Jeremiah Mahoney.

*Superintendent of Schools*... John S. Fosdick.

*Overseer of Poor*..... Joseph Ball.

*Police Justice* ..... Isaac V. Vanderpoel.

*Assessors* ..... John McManus, George G.  
Newman, Gregory Ritt.

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\* Died during this year, and Gregory Ritt appointed by Common Council to fill vacancy.

† Resigned April 23, 1866.

‡ Resigned Oct. 1, 1866, and Joel Wheeler elected to fill vacancy.

§ Resigned Sept. 24, 1866, and John Walls elected to fill vacancy.

° Resigned Oct 6, 1866.

## COMMON COUNCIL.

*President*—William C. Bryant.

*City Clerk*—J. D. Hoyt Chamberlain.

1st Ward—Thomas Whalen, James Ryan.\*

2d    “     Joel Wheeler, John Pierce.

3d    “     Alexander Brush, John A. B. Campbell.

4th   “     Jacob Beyer, Anthony Stettenbenz.

5th   “     August Hagar, J. Henry Shepard.

6th   “     Solomon Scheu, Felix Bieger.

7th   “     Joseph L. Haberstro, George J. Buchheit.

8th   “     George J. Bamler, Edward Madden.

9th   “     Henry Morse. S. S. Guthrie.

10th  “     John Walls, William C. Bryant.

11th  “     John Auchinvole, Nathaniel B. Hoyt.

12th  “     John Glassar, James W. Parsons.

13th  “     Angus McPherson, John Kelly, Jr.

## 1868.

*Mayor* ..... William F. Rogers.

*Comptroller* ..... Rensselaer D. Ford.

*Treasurer* ..... Joseph L. Haberstro.

*Receiver of Taxes*..... Elijah Ambrose.

*Attorney* ..... David F. Day.

*Surveyor* ..... George Vom Berge.

*Street Commissioner* ..... Alexander Brush.

*Superintendent of Schools*... Samuel Slade.

*Overseer of Poor*..... Joseph Ball.

*Police Justice* ..... Isaac V. Vanderpoel.

*Assessors* ..... John McManus, George G.  
Newman, Gregory Ritt.

## COMMON COUNCIL.

*President*—Paul Goembel.

*City Clerk*—Charles S. Macomber.

1st Ward—Edward Byrns, George Chambers.

2d    “     William B. Sirret, John Pierce.

\* Resigned Oct. 21, 1867, and George Chambers elected to fill vacancy.



3d Ward—	Zadoc G. Allen, John A. B. Campbell.
4th “	Frank Collignon, Anthony Stettenbenz.
5th “	Peter Rechtenwald,* John H. Shepard.
6th “	Paul Goembel, Felix Bieger.
7th “	John Giessel, George J. Buchheit.
8th “	John Sheehan, Edward Madden.
9th “	Henry Morse, Solomon S. Guthrie.
10th “	Daniel C. Beard, William C. Bryant.
11th “	John Auchinvole, Nathaniel B. Hoyt.
12th “	John Ambrose. James W. Parsons.
13th “	Angus McPherson, John Kelly, Jr.

1869.

<i>Mayor</i> .....	William F. Rogers.
<i>Comptroller</i> .....	Rensselaer D. Ford.
<i>Treasurer</i> .....	Joseph L. Haberstro.
<i>Receiver of Taxes</i> .....	Elijah Ambrose.
<i>Attorney</i> .....	David F. Day.
<i>Surveyor</i> .....	George Vom Berge.
<i>Street Commissioner</i> .....	Alexander Brush.
<i>Superintendent of Schools</i> ...	Samuel Slade.
<i>Overseer of Poor</i> .....	Joseph Ball.
<i>Police Justice</i> .....	Isaac V. Vanderpoel.
<i>Assessors</i> .....	John McManus, Gregory Ritt, Richard C. Kinney.

## COMMON COUNCIL.

<i>President</i> —	ohn Auchinvole.
<i>City Clerk</i> —	George S. Wardwell.
1st Ward—	Edward Byrns, George Chambers.
2d “	William B. Sirret, John Pierce.
3d “	Zadoc G. Allen, George G. Newman.
4th “	Frank Collignon, Peter P. Miller.
5th “	Charles Sauer, John Dietzer.
6th “	Paul Goembel, Henry Dilcher.
7th “	John Gisel. Donald Bain.

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\* Died September 22, 1868, and Charles Sauer elected to fill vacancy.

8th Ward—	John Sheehan, Michael Keenan.
9th “	Henry Morse, James Van Buren.
10th “	Daniel C. Beard, Robert Carmichael.
11th “	John Auchinvole, Elias S. Hawley.
12th “	John Ambrose, Elisha Safford.
13th “	Angus McPherson, George Orr.

## 1870.

<i>Mayor</i> .....	Alexander Brush.
<i>Comptroller</i> .....	Rensselaer D. Ford.
<i>Treasurer</i> .....	Joseph L. Haberstro.
<i>Receiver of Taxes</i> .....	Elijah Ambrose.
<i>Attorney</i> .....	Benjamin H. Williams.
<i>Surveyor</i> .....	John A. Ditto.
<i>Street Commissioner</i> .....	George W. Gillespie.
<i>Superintendent of Schools</i> ...	Thomas Lothrop.
<i>Overseer of Poor</i> .....	Francis J. Kraft.
<i>Police Justice</i> .....	Isaac V. Vanderpoel.
<i>Assessors</i> .....	John McManus, Gregory Ritt, Richard C. Kinney.

## COMMON COUNCIL.

<i>President</i> —	John Pierce.
<i>City Clerk</i> —	George S. Wardwell.
1st Ward—	George Chambers, William B. Smith.
2d “	John Pierce, John Booth.
3d “	George G. Newman, Samuel G. Peters.
4th “	Peter P. Miller, Edward Storek.
5th “	John Dietzer, Charles Groben.
6th “	Henry Dilcher, Michael Lang.
7th “	Donald Bain, John Werrick.
8th “	John Sheehan, Michael Keenan.
9th “	Henry Morse, Frank A. Sears.
10th “	Daniel C. Beard, Lewis M. Evans.
11th “	John Auchinvole, Jacob Scheu.
12th “	John Ambrose, Isaac I. Van Allen.
13th “	Angus McPherson, Almus T. Patchin.

1871.

<i>Mayor</i> .....	Alexander Brush.
<i>Comptroller</i> .....	Rensselaer D. Ford.
<i>Treasurer</i> .....	Joseph L. Haberstro.
<i>Receiver of Taxes</i> .....	Elijah Ambrose.
<i>Attorney</i> .....	Benjamin H. Williams.
<i>Surveyor</i> .....	John A. Ditto.
<i>Street Commissioner</i> .....	George W. Gillespie.
<i>Superintendent of Schools</i> ...	Thomas Lothrop.
<i>Overseer of Poor</i> .....	Francis J. Kraft.
<i>Police Justice</i> .....	Oliver J. Eggert.
<i>Assessors</i> .....	John McManus, Richard C. Kinney, Oliver G. Steele, Jr.

## COMMON COUNCIL.

President—John Sheehan.	
City Clerk—Thomas R. Clinton.	
1st Ward—	William B. Smith, Patrick Walsh.
2d    “	John Booth, John Pierce.
3d    “	Samuel G. Peters, John Kelly, Jr.
4th   “	Edward Stork, Walter S. Ovens.
5th   “	Charles Groben, Joseph Bork.
6th   “	Michael Lang, John Henry Fisher.
7th   “	John Werrick, George Rochevot.
8th   “	John Sheehan, Daniel Cruice.
9th   “	Frank A. Sears, James Van Buren.
10th  “	Lewis M. Evans, Robert Carmichael.
11th  “	Jacob Scheu, George W. Zink.
12th  “	Isaac I. Van Allen, Charles L. Dayton.
13th  “	Almus T. Patchin. William Dawrs.

1872.

AN ACT entitled “AN ACT TO REVISE THE CHARTER OF THE CITY OF BUFFALO,” passed April 28, 1870, left the ward divisions substantially as before, and provided for the election of two Aldermen and one Constable in each ward, and two Supervisors in each ward, except the Thirteenth, which elected only one Supervisor, and

the election by general ticket of Mayor, Comptroller, Attorney, Treasurer, Engineer, Street Commissioner, Superintendent of Education, Police Justice, Overseer of the Poor, three Assessors and four Justices of the Peace, all for two years, except the Constables for one year, the Assessors for three years, and the Police Justice and Justices of the Peace for four years. The office for Receiver of Taxes was abolished, and the name of the former office of Surveyor was changed to that of Engineer, and that of the former office of Superintendent of Schools changed to Superintendent of Education. Following is a list of the persons chosen to the principal offices under this Charter:

<i>Mayor</i> .....	Alexander Brush.
<i>Comptroller</i> .....	Louis M. Evans.
<i>Treasurer</i> .....	Joseph Bork.
<i>Attorney</i> .....	Frank R. Perkins.
<i>Engineer</i> .....	John A. Ditto.
<i>Street Commissioner</i> .....	James Franklin.
<i>Superintendent of Education</i> .....	Josephus N. Larned.
<i>Overseer of Poor</i> .....	Francis J. Kraft.
<i>Police Justice</i> .....	Daniel D. Nash.
<i>Assessors</i> .....	James McManus, L. C. Duempelmann, Oliver G. Steele, Jr.

#### COMMON COUNCIL.

President—Edward Stork.	
City Clerk—Walter C. Winship.	
1st Ward—	John Doyle, Patrick Walsh.
2d    “	Benjamin Dickey, John Pierce.
3d    “	J. Austin Seymour, John Kelly, Jr.
4th   “	Edward Stork, Louis P. Reichert.
5th   “	Frank Sipp, Joseph Bork.
6th   “	Jacob Bott, J. Henry Fisher.
7th   “	John P. Einsfeld, George Rohevot.
8th   “	Michael Keenan, Daniel Cruice.
9th   “	Frank A. Sears, James Van Buren.
10th  “	Joseph Churchyard, Robert Carmichael.
11th  “	William Baynes, George W. Zink.
12th  “	John Frank, Charles L. Dayton.
13th  “	Andrew B. Angus, Aug. Prenatt.

1873.

<i>Mayor</i> .....	Alexander Brush.
<i>Comptroller</i> .....	Lewis M. Evans.
<i>Treasurer</i> .....	Joseph Bork.
<i>Attorney</i> .....	Frank R. Perkins.
<i>Engineer</i> .....	John A. Ditto.
<i>Street Commissioner</i> .....	James Franklin.
<i>Superintendent of Education</i> .....	Josephus N. Larned.
<i>Overseer of Poor</i> .....	Francis J. Kraft.
<i>Police Justice</i> .....	Daniel D. Nash.
<i>Assessors</i> .....	John Zoll, Louis C. Duem- p e l m a n n , Oliver G. Steele, Jr.

## COMMON COUNCIL.

· President—	Frank A. Sears.
City Clerk—	Walter C. Winship.
1st Ward—	John Doyle, Timothy Cotter.
2d    “	Benjamin Dickey, Ellis Webster.
3d    “	J. Austin Seymour, Joseph W. Dennis.
4th   “	Louis Hermann, Louis P. Reichert.
5th   “	Frank Sipp, William Heinrich.
6th   “	Jacob Bott, J. Henry Fischer.
7th   “	John P. Einsfeld, George Reinheimer.
8th   “	Michael Keenan, Charles Jessemin.
9th   “	Frank A. Sears, James Van Buren.
10th  “	Joseph Churchyard, Robert Carmichael.
11th  “	William Baynes, Archibald McLeish.
12th  “	John Frank, Christopher Laible.
13th  “	John J. Weber, August Prenatt.

1874.

<i>Mayor</i> .....	Lewis P. Dayton.
<i>Comptroller</i> .....	Thomas R. Clinton.
<i>Treasurer</i> .....	Joseph Bork.
<i>Attorney</i> .....	Frank R. Perkins.
<i>Engineer</i> .....	George E. Mann.



## COMMON COUNCIL.

President—Elijah Ambrose.

City Clerk—Rensselaer D. Ford.

1st Ward—John Doyle, John Hanavan.

2d “ Benjamin Dickey, William V. Woods.

3d “ Joseph N. Milehan, Michael Danahy.

4th “ G. Fred Zeller, Charles Person.

5th “ Casper J. Drescher, Elijah Ambrose.

6th “ Joseph Jerge, Jacob Hiemenz.

7th “ John P. Einsfeld, John C. Weber.

8th “ Joseph Galley, Michael Keenan.

8th “ Nathan S. Simons, Clarence D. Simpson.

10th “ Peter J. Ferris, Merritt Nichols.

11th “ George W. Zink, John Auchinvole.

12th “ Isaac I. Van Allen, William Farmer.

13th “ Nathaniel H. Lee, Charles Dickman.

1876.

*Mayor* ..... Philip Becker.

*Comptroller* ..... Lewis M. Evans.

*Treasurer* ..... Henry D. Keller.

*Attorney* ..... John B. Greene.

*Engineer* ..... George E. Mann.

*Street Commissioner*..... Charles Jessemin.

*Superintendent of Education*. William S. Rice.

*Overseer of Poor*..... John C. Level.

*Police Justice*..... Thomas S. King.

*Assessors* ..... Oliver G. Steele, Jr., John  
Zoll, John C. Sheehan.

## COMMON COUNCIL.

President—Asaph S. Bemis.

City Clerk—Rensselaer D. Ford.

1st Ward—John Hanavan, John White.

2d “ William V. Woods, Albert L. Lothridge.

3d “ Michael Danahy, Alfred H. Neal.

4th Ward—	Charles Person, Asaph S. Bemis.
5th “	Elijah Ambrose, Jacob Benzinger.
6th “	Jacob Hiemenz, Henry J. Baker.
7th “	John C. Weber, Donald Bain.
8th “	Michael Keenan, John Pfeil.
9th “	Clarence D. Simpson, Nathan C. Simons.
10th “	Merritt Nichols, Peter J. Ferris.
11th “	John Auchinvole, Christopher Smith.
12th “	William Farmer, Isaac I. Van Allen.
13th “	Charles Dickman, Michael Shannon.

1877.

<i>Mayor</i> .....	Philip Becker.
<i>Comptroller</i> .....	Lewis M. Evans.
<i>Treasurer</i> .....	Henry D. Keller.
<i>Attorney</i> .....	John B. Greene.
<i>Engineer</i> .....	George E. Mann.
<i>Street Commissioner</i> .....	Charles Jessemin.
<i>Superintendent of Education</i> .	William S. Rice.
<i>Overseer of Poor</i> .....	John C. Level.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John Fullerton, John Zoll, John C. Sheehan.

## COMMON COUNCIL.

President—	John Auchinvole.
City Clerk—	Francis F. Fargo.
1st Ward—	John White, James Ryan.
2d “	Albert L. Lothridge, Elijah R. Saxton.
3d “	Alfred H. Neal, Michael Danahy.
4th “	Asaph S. Bemis, Melchior Lotz.
5th “	Jacob Benzinger, Henry J. Kreinheder.
6th “	Henry J. Baker, August Baetzhöld.
7th “	Donald Bain, George Baer.
8th “	John Pfeil, Thomas Collins.
9th “	Nathan C. Simons, Earl D. Berry.
10th “	Peter J. Ferris, Merritt Nichols.



- 11th Ward— Christopher Smith, John Auchinvole.  
 12th “ Isaac I. Van Allen, John Esser.  
 13th “ Michael Shannon, William F. Wheeler.

1878.

- Mayor* ..... Solomon Scheu.  
*Comptroller* ..... John C. Sheehan.  
*Treasurer* ..... Eugene Bertrand.  
*Attorney* ..... Price A. Matteson.  
*Engineer* ..... George Vom Berge.  
*Street Commissioner*..... James V. Hayes.  
*Superintendent of Education*. Christopher G. Fox.  
*Overseer of Poor*..... John R. Walter.  
*Police Justice*..... Thomas S. King.  
*Assessors* ..... Timothy J. Mahoney, John Fullerton, John Zoll.

#### COMMON COUNCIL.

- President—John B. Sackett.  
 City Clerk—William P. Burns.  
 1st Ward—James Ryan, John White.  
 2d “ John B. Sackett, Elijah R. Saxton.  
 3d “ Michael Danahy, George B. Miller.  
 4th “ Francis Collignon, Melchior Lotz.  
 5th “ Henry Quinn, Henry J. Kreinheder.  
 6th “ August Baetzhold, Gerhard Lang.  
 7th “ Harmon M. Lockrow, George Baer.  
 8th “ Thomas Collins, John Quinn.  
 9th “ John C. Burns, Earl D. Berry.  
 10th “ Merritt Nichols, David R. Morse.  
 11th “ John Auchinvole, Robert Montgomery.  
 12th “ Charles H. Hewitt, John Esser.  
 13th “ William F. Wheeler, Henry H. Twichell.

1879.

- Mayor* ..... Solomon Scheu.  
*Comptroller* ..... John C. Sheehan.

<i>Treasurer</i> .....	Eugene Bertrand, Jr.
<i>Attorney</i> .....	Price A. Matteson.
<i>Engineer</i> .....	George Vom Berge.
<i>Street Commissioner</i> .....	James V. Hayes.
<i>Superintendent of Education</i> .	Christopher G. Fox.
<i>Overseer of Poor</i> .....	John R. Walter.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John H. Ludwig, John Fullerton, Timothy J. Mahoney.

## COMMON COUNCIL.

President—Merritt Nichols.	
City Clerk—William P. Burns.	
1st Ward—	John White, William Walsh.
2d     “	John B. Sackett, Robert R. Hefford.
3d     “	George B. Miller, John Higham.
4th    “	Francis Collignon, August Beck.
5th    “	Henry Quinn, Lyman A. Daniels.
6th    “	Gerhard Lang, Louis Knell.
7th    “	Harmon M. Lockrow, George F. Christ.
8th    “	John Quinn, Thomas Collins.
9th    “	John C. Burns, George E. Matteson.
10th   “	David R. Morse, Merritt Nichols.
11th   “	Robert Montgomery, Marcus M. Drake.
12th   “	Charles H. Hewitt, John Esser.
13th   “	Henry H. Twichell, William H. Little.

1880.

<i>Mayor</i> .....	Alexander Brush.
<i>Comptroller</i> .....	John C. Sheehan.
<i>Treasurer</i> .....	Joseph Ball.
<i>Attorney</i> .....	Edward C. Hawks.
<i>Engineer</i> .....	Jasper S. Youngs.
<i>Street Commissioner</i> .....	Michael Maghar.
<i>Superintendent of Education</i> .	Christopher G. Fox.

<i>Overseer of Poor</i> .....	Henry T. Kraft.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John Fullerton, John H. Ludwig, Timothy J. Ma- honey.

## COMMON COUNCIL.

President—	Milton E. Beebe.
City Clerk—	William P. Burns.
1st Ward—	William Walsh, John White.
2d    “	R. R. Hefford, Milton E. Beebe.
3d    “	John Higham, George W. Patridge.
4th   “	August Beck, John A. Miller.
5th   “	Lyman A. Daniels, Jacob Benzinger.
6th   “	Louis Knell, Gerhard Lang.
7th   “	George F. Christ, August M. Witte.
8th   “	Thomas Collins, John Quinn.
9th   “	George E. Matteson, Frank Williams.
10th  “	Merritt Nichols. Thomas S. Ray.
11th  “	Marcus M. Drake, R. Porter Lee.
12th  “	John Esser, John C. Hanbach.
13th  “	William H. Little, Henry J. Twichell.

1881.

<i>Mayor</i> .....	Alexander Brush.
<i>Comptroller</i> .....	John C. Sheehan.
<i>Treasurer</i> .....	Joseph Ball.
<i>Attorney</i> .....	Edward C. Hawks.
<i>Engineer</i> .....	Jasper S. Youngs.
<i>Street Commissioner</i> .....	Michael Maghar.
<i>Superintendent of Education</i> .	Christopher G. Fox.
<i>Overseer of Poor</i> .....	Henry T. Kraft.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John Fullerton, John S. Robertson, John H. Lud- wig.

## COMMON COUNCIL.

President—Milton E. Beebe.

City Clerk—Francis F. Fargo.

1st Ward—	John White, Dennis Hanrahan.
2d    “	Milton E. Beebe, R. R. Hefford.
3d    “	George W. Patridge, Joseph Maycock.
4th   “	John A. Miller, August Beck.
5th   “	Jacob Benzinger, Louis Fritz.
6th   “	Gerhard Lang, Louis Knell.
7th   “	August M. Witte, John C. Weber.*
8th   “	John Quinn, James Rogers.
9th   “	Frank Williams, George E. Matteson.
10th  “	Thomas S. Ray, Harry H. Koch.
11th  “	R. Porter Lee, Marcus M. Drake.
12th  “	John C. Hanbach, Peter Glor, Jr.
13th  “	Henry H. Twichell, William H. Little.

1882.

<i>Mayor</i> .....	Grover Cleveland.†
<i>Comptroller</i> .....	Timothy J. Mahoney.
<i>Treasurer</i> .....	Joseph Ball.
<i>Attorney</i> .....	Giles E. Stilwell.
<i>Engineer</i> .....	Thomas J. Rogers.
<i>Street Commissioner</i> .....	John Mahoney.
<i>Superintendent of Education</i> .....	James F. Crooker.
<i>Overseer of Poor</i> .....	Henry T. Kraft.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John Fullerton, John S. Robertson, John H. Lud- wig.

\* Died May 1, 1881. Vacancy not filled until next general election.

† Resigned November 20, 1882, having been elected Governor of the State at the general election in November, 1882, and Marcus M. Drake was appointed, by the Common Council, Mayor to fill the vacancy until a Mayor should be elected by the people; and the Common Council ordered a special election for that purpose, to be held January 9, 1883. On December 22, 1882, Marcus M. Drake resigned as Mayor, to take effect December 29, 1882, and on December 29, 1882, the Common Council elected Harmon S. Cutting, Mayor, to fill the vacancy occasioned by the resignation of Marcus M. Drake. At the special election, held January 9, 1883, John B. Manning was elected Mayor for the unexpired term of Mayor Cleveland.

## COMMON COUNCIL.

President—	George W. Patridge.
City Clerk—	William P. Burns.
1st Ward—	Dennis Hanrahan, John White.
2d    “	R. R. Hefford, Charles B. Doty.
3d    “	Joseph Maycock, George W. Patridge.
4th   “	August Beck, John A. Miller.
5th   “	Louis Fritz, William C. Brainard.
6th   “	Louis Knell, William Schier.
7th   “	Henry Rohevot, George Baer.
8th   “	James Rogers, John Elliott.
9th   “	Geo. E. Matteson, Alexander McMaster.
10th  “	Harry H. Koeh, Henry Montgomery.
11th  “	Marcus M. Drake, Charles A. Rupp.
12th  “	Peter Glor, Jr., John C. Hanbach.
13th  “	William H. Little, Henry H. Twiehell.

1883.

<i>Mayor</i> .....	John B. Manning.
<i>Comptroller</i> .....	Timothy J. Mahoney.
<i>Treasurer</i> .....	Joseph Ball.
<i>Attorney</i> .....	Giles E. Stilwell.
<i>Engineer</i> .....	Thomas J. Rogers.
<i>Street Commissioner</i> .....	John Mahoney.
<i>Superintendent of Education</i> ..	James F. Crooker.
<i>Overseer of Poor</i> .....	Henry T. Kraft.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John S. Robertson, John H. Ludwig, Henry O. Dee.

## COMMON COUNCIL.

President—	Robert R. Hefford.
City Clerk—	William P. Burns.
1st Ward—	John White, Andrew Beasley.
2d    “	Charles B. Doty, Robert R. Hefford.
3d    “	Geo. W. Patridge, Michael Callahan.

4th Ward—	John A. Miller, August Beck.
5th “	William C. Brainard, Louis Fritz.
6th “	William Schier, Jacob Hesselbeck.
7th “	George Baer, Alfred Lyth.
8th “	John Elliott, John Davy.
9th “	Alexander McMaster, William Franklin.
10th “	Henry Montgomery, Samuel V. Parsons.
11th “	Charles A. Rupp, Marcus M. Drake.
12th “	John C. Hanbach, George Denner.
13th “	Henry H. Twichell, William Summers.

1884.

<i>Mayor</i> .....	Jonathan Scoville.
<i>Comptroller</i> .....	Joseph E. Barnard.
<i>Treasurer</i> .....	James H. Carmichael.
<i>Attorney</i> .....	Herman Hennig.
<i>Engineer</i> .....	Albert Krause.
<i>Street Commissioner</i> .....	John Martin.
<i>Superintendent of Education</i> .....	James F. Crooker.
<i>Overseer of Poor</i> .....	Jacob Crowder.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John H. Ludwig, Henry O. Dee, James S. Murphy.

## COMMON COUNCIL.

President—	Robert R. Hefford.
City Clerk—	William P. Burns.
1st Ward—	Andrew Beasley, John White.
2d “	Robert R. Hefford, Bradley D. Rogers.
3d “	Michael Callahan, Geo. W. Patridge.
4th “	August Beck, Jacob Ginther.
5th “	Louis Fritz, Charles G. Pankow.
6th “	Jacob Hasselbeck, Charles M. Lederer.
7th “	Alfred Lyth, Harmon M. Lockrow.
8th “	John Davy, Michael Gorman.

9th Ward—	William Franklin, Alexander McMaster.
10th    “	Samuel V. Parsons, Walter T. Wilson.
11th    “	Marcus M. Drake, William Richardson.
12th    “	George Denner, John C. Hanbach.
13th    “	William Summers, Henry H. Twichell.

1885

<i>Mayor</i> .....	Jonathan Scoville.
<i>Comptroller</i> .....	Joseph E. Barnard.
<i>Treasurer</i> .....	James H. Carmichael.
<i>Attorney</i> .....	Herman Hennig.
<i>Engineer</i> .....	Albert Krause.
<i>Street Commissioner</i> .....	John Martin.
<i>Superintendent of Education</i> .....	James F. Crooker.
<i>Overseer of Poor</i> .....	Jacob Crowder.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	Henry O. Dee, James S. Murphy, John H. Ludwig.

## COMMON COUNCIL.

<b>President</b> —	William Franklin.
<b>City Clerk</b> —	William P. Burns.
1st Ward—	John White, Andrew Beasley.
2d    “	Bradley D. Rogers, Joseph C. Greene.
3d    “	George W. Patridge, Michael Callahan.
4th    “	Jacob Ginther, Solomon Scheu, Jr.
5th    “	Charles G. Pankow, Jacob Benzinger.
6th    “	Charles M. Lederer, John R. Walter.
7th    “	Harmon M. Lockrow, Alfred Lyth.
8th    “	Michael Gorman, John J. Kennedy.
9th    “	William Franklin, Alexander McMaster.
10th   “	Walter T. Wilson, Thomas S. Ray.
11th   “	William Richardson, Marcus M. Drake.
12th   “	John C. Hanbach, Louis Roesch.
13th   “	Henry H. Twichell, William Summers.

1886.

<i>Mayor</i> .....	Philip Becker.
<i>Comptroller</i> .....	Joseph E. Barnard.
<i>Attorney</i> .....	Wm. F. Worthington.*
<i>Treasurer</i> .....	James H. Carmichael.
<i>Engineer</i> .....	Albert Krause.
<i>Street Commissioner</i> .....	John Martin.
<i>Superintendent of Education</i> .....	James F. Crooker.
<i>Overseer of Poor</i> .....	Jacob Crowder.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	James S. Murphy, John H. Ludwig, Nicholas J. Mock.

## COMMON COUNCIL.

President—	George W. Patridge.
City Clerk—	William E. Delaney.
1st Ward—	Andrew Beasley, John White.
2d “	Joseph C. Greene, John H. Cannon.
3d “	Michael Callahan, George W. Patridge.
4th “	Solomon Scheu, Jr., Henry H. Little.
5th “	Jacob Benzinger, Louis Rodenbach, Sr.
6th “	John R. Walter, G. Richard Kuehn.
7th “	Alfred Lyth, John H. Knepper.
8th “	John J. Kennedy, John M. Laughlin.
9th “	William Franklin, Alexander McMaster.
10th “	Thomas S. Ray, James Jamison.
11th “	Marcus M. Drake, William Richardson.
12th “	Louis Roesch, Charles O. Rano.
13th “	William Summers, William Adams.

1887.

<i>Mayor</i> .....	Philip Becker.
<i>Comptroller</i> .....	Joseph E. Barnard.
<i>Corporation Counsel</i> .....	Wm. F. Worthington.

\* By Chapter 479, Laws 1886, title of office changed to Corporation Counsel and term of office made three years.



<i>Treasurer</i> .....	James H. Carmichael.
<i>Engineer</i> .....	Albert Krause.
<i>Street Commissioner</i> .....	John Martin.
<i>Superintendent of Education</i> .....	James F. Crooker.
<i>Overseer of Poor</i> .....	Jacob Crowder.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	John H. Ludwig, Nicholas J. Mock, James S. Mur- phy.

## COMMON COUNCIL.

President—	George W. Patridge.
City Clerk—	William E. Delaney.
1st Ward—	John White, Dennis M. Doyle.
2d “	John H. Cannon, Frederick Kendall.
3d “	George W. Patridge, Michael Callahan.
4th “	Henry H. Little, Solomon Scheu, Jr.
5th “	Louis Rodenbach, Sr., Samuel J. Rams- perger.
6th “	G. Richard Kuehn, John Kreitner.
7th “	John H. Knepper, Philip Wurtz.
8th “	John M. Laughlin, John J. Kennedy.
9th “	Alexander McMaster, James Ash.
10th “	James Jamison, Thomas S. Ray.
11th “	William Richardson, Marcus M. Drake.
12th “	Charles O. Rano, Louis Roesch.
13th “	William Adams, William Summers.

1888.

<i>Mayor</i> .....	Philip Becker.
<i>Comptroller</i> .....	Joseph E. Barnard.
<i>Corporation Counsel</i> .....	Wm. F. Worthington.
<i>Treasurer</i> .....	Alphonso J. Meyer.
<i>Engineer</i> .....	George E. Mann.
<i>Street Commissioner</i> .....	Henry Quinn.
<i>Superintendent of Education</i> .....	James F. Crooker.

<i>Overseer of Poor</i> .....	Jacob Crowder.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	Nicholas J. Mock, James S. Murphy, Michael Callahan, John H. Ludwig, Thomas F. Crowley.*

## COMMON COUNCIL.

President—	William Summers.
City Clerk—	William E. Delaney.
1st Ward—	Dennis M. Doyle, John White.
2d “	Frederick Kendall, John H. Cannon.
3d “	Michael Callahan, <sup>†</sup> James L. Baldwin.
4th “	Solomon Scheu, Jr., August Beck.
5th “	Samuel J. Ramsperger, Adam Spang.
6th “	John Kreitner, Anthony Young.
7th “	Philip Wurtz, John H. Knepper.
8th “	John J. Kennedy, John Davy.
9th “	James Ash, Alexander McMaster.
10th “	Thomas S. Ray, Edward H. Hutchinson.
11th “	Marcus M. Drake, Frank M. Fisher.
12th “	Louis Roesch, George Denner.
13th “	William Summers, William Adams.

1889.

<i>Mayor</i> .....	Philip Becker.
<i>Comptroller</i> .....	Joseph E. Barnard.
<i>Corporation Counsel</i> .....	Wm. F. Worthington.
<i>Treasurer</i> .....	Alphonso J. Meyer.
<i>Engineer</i> .....	George E. Mann.
<i>Street Commissioner</i> .....	Henry Quinn.
<i>Superintendent of Education</i> .	James F. Crooker.
<i>Overseer of Poor</i> .....	Jacob Crowder.
<i>Police Justice</i> .....	Thomas S. King.

\* Chapter 547, Laws 1888, increased the number of Assessors to five, and extended the time of office to five years.

† Resigned January 2, 1888, having been elected Assessor. George W. Patridge elected to fill vacancy.

*Assessors* ..... James S. Murphy, Michael Callahan, John H. Ludwig, Thomas F. Crowley, Nicholas J. Mock.

## COMMON COUNCIL.

President—William Summers.  
 City Clerk—William E. Delaney.  
 1st Ward—John White, John Bradley.  
 2d    “    John H. Cannon, Frank J. Trautman.  
 3d    “    James L. Baldwin, Theodore Williamson  
 4th    “    August Beck, Solomon Scheu, Jr.  
 5th    “    Adam Spang, Samuel J. Ramsperger.  
 6th    “    Anthony Young. John Kreitner.  
 7th    “    John H. Knepper, Philip Wurtz.  
 8th    “    John Davy, John J. Kennedy.  
 9th    “    Alexander McMaster, James Franklin.  
 10th   “    Edward H. Hutchinson, Alexander M. Barnum.  
 11th   “    Frank M. Fisher, Marcus M. Drake.  
 12th   “    George Denner, John Bush.  
 13th   “    William Adams. William Summers.

1890.

*Mayor* ..... Charles F. Bishop.  
*Comptroller* ..... Edward C. Shafer.  
*Corporation Counsel*..... Wm. F. Worthington.\*  
*Treasurer* ..... Robert Oehmig.  
*Engineer* ..... George E. Mann.  
*Street Commissioner*..... Henry Quinn.  
*Superintendent of Education*. James F. Crooker.  
*Overseer of Poor*..... Jacob Stauch.  
*Police Justice*..... Thomas S. King.  
*Assessors* ..... Michael Callahan, John H. Ludwig, Thomas F. Crowley, Nicholas J. Mock, James S. Murphy.†

\* Died Nov. 15, 1890. George M. Browne elected by Common Council to fill vacancy.

## COMMON COUNCIL.

President—William Summers.

City Clerk—Charles R. Marshall.

1st Ward—John H. Bradley, John White.

2d “ Frank J. Trautman, John H. Cannon.

3d “ Theodore Williamson, Andrew Kilgallon.

4th “ Solomon Scheu, Jr., August Beck.

5th “ Samuel J. Ramsperger, Edward F. Stettenbenz.

6th “ John Kreitner, Anthony Young.

7th “ Philip Wurtz, Jacob Kissinger.

8th “ John J. Kennedy, John Davy.

9th “ James Franklin, John A. Donaldson.

10th “ Alexander M. Barnum, Edgar A. Forsyth.

11th “ Marcus M. Drake, William D. Collingwood.

12th “ John Bush, John Mang.

13th “ William Summers, William J. Hillery.

1891.

*Mayor* ..... Charles F. Bishop.

*Comptroller* ..... Edward C. Shafer.

*Corporation Counsel*..... George M. Browne.

*Treasurer* ..... Robert Oehmig.

*Engineer* ..... George E. Mann.

*Street Commissioner*..... Henry Quinn.

*Superintendent of Education*. James F. Crooker.

*Overseer of Poor*..... Jacob Stauch.

*Police Justice*..... Thomas S. King.

*Assessors* ..... John H. Ludwig, Thomas  
F. Crowley, Nicholas J.  
Mock, George Stauber,  
Michael Callahan.

† Died January 8, 1890. Alphonso J. Meyer elected to fill vacancy by Common Council. Mr Meyer resigned March 17, 1890, and Andrew Beasley was elected to fill vacancy by Common Council. At the general election of 1890, George Stauber was elected to fill the unexpired portion of Mr. Murphy's term of office.

## COMMON COUNCIL.

**President**—William Summers.

**City Clerk**—Charles R. Marshall.

**1st Ward**—John White, John P. Sullivan.

**2d** “ John H. Cannon, Frank J. Trautman.

**3d** “ Andrew Kilgallon, Theodore Williamson.

**4th** “ August Beck. Solomon Scheu, Jr.

**5th** “ Edward F. Stettenbenz, Samuel J. Ramperger.

**6th** “ Anthony Young, John Kick.

**7th** “ Jacob Kissinger, Frederick A. Menge.

**8th** “ John Davy, John J. Kennedy.

**9th** “ John A. Donaldson, James Franklin.

**10th** “ Edgar A. Forsyth, Alexander B. Barnum.

**11th** “ William D. Collingwood, Job King.\*

**12th** “ John Mang,† Philip G. Meyers.

**13th** “ William J. Hillery, William Summers.

1892.

AN ACT entitled “AN ACT TO REVISE THE CHARTER OF THE CITY OF BUFFALO.” passed March 27, 1891, being Chapter 105 of the Laws of 1891, divided the city into twenty-five wards, provided for the election of one Alderman and one Supervisor in each ward for two years and the election, by general ticket, of Mayor, Comptroller, Corporation Counsel, Treasurer, Superintendent of Education, one Commissioner of Public Works, Overseer of the Poor, and nine members of the Board of Councilmen for three years, a Police Justice and two Justices of the Peace for four years, five Assessors for five years each, and two Judges of the Municipal Court for six years each. It also provided for the appointment by the Mayor of two additional Commissioners of Public Works and other offices, and abolished the offices of Engineer and Street Commissioner.

*Mayor* ..... Charles F. Bishop.

*Comptroller* ..... Joseph E. Gavin.

*Corporation Counsel*..... George M. Browne.

*Treasurer* ..... Robert Oehmig.

\* Died June 2, 1891. Vacancy was not filled.

† Died June 30, 1891. Vacancy was not filled.

*Comrs. of Public Works*.....George S. Field, elected.  
James Mooney, appointed.  
Geo. S. Gatchell, “

*Superintendent of Education*. William H. Love.\*

*Overseer of Poor*.....Jacob Stauch.

*Police Justice* .....Thomas S. King.

*Assessors* .....Thomas F. Crowley, Nicholas J. Mock, George Stauber, Michael Callahan, Andrew Beasley.

City Clerk—Charles R. Marshall.

President—James Hanrahan.

Jewett M. Richmond.	Martin Maher.
George W. Hayward.	Andrew Kilgallon.
George Sandrock.	Mathias Strauss.
George Baldus.	Henry J. Kreinheder.

President—Solomon Scheu, Jr.	TERM EXPIRES.
1st Ward—John White.	January, 1894
2d “ John P. Sullivan.	“ 1893
3d “ Frank J. Trautmann.	“ 1893
4th “ Theodore Williamson.	“ 1893
5th “ William Summers.	“ 1893
6th “ Solomon Scheu, Jr.	“ 1893
7th “ Frank J. Bissing.	“ 1894
8th “ Abram Durr.	“ 1894
9th “ Jacob Johnson.	“ 1894
10th “ Samuel J. Ramsperger.	“ 1893
11th “ Frederick Kelter.	“ 1894
12th “ Anthony Young.	“ 1894
13th “ John Kick.	“ 1893
14th “ John Leible.	“ 1894

\* Appointed to fill the vacancy caused by the resignation of James F. Crooker, appointed Superintendent of Public Instruction of the State of New York.

15th Ward—	Jacob Kissinger.	January, 1894
16th “	Frederick A. Menge.	“ 1893
17th “	Richard Bullymore, Jr.	“ 1894
18th “	Henry P. Burgard.	“ 1894
19th “	John J. Kennedy.	“ 1893
20th “	James Franklin.	“ 1893
21st “	Frank Maischoss.	“ 1894
22d “	Clifford S. A. Coe.	“ 1894
23d “	Alexander M. Barnum.	“ 1893
24th “	Robert K. Smither.	“ 1894
25th “	Phillip G. Meyers.	“ 1893

1893.

<i>Mayor</i> .....	Charles F. Bishop.
<i>Comptroller</i> .....	Joseph E. Gavin.
<i>Corporation Counsel</i> .....	George M. Browne.
<i>Treasurer</i> .....	Robert Oehmig.
<i>Comrs. of Public Works</i> .....	George S. Field, James Mooney, George S. Gatchell.
<i>Superintendent of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Jacob Stauch.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	Nicholas J. Mock, George Stauber, Michael Calla- han, Andrew Beasley, Thomas F. Crowley.

## COMMON COUNCIL.

City Clerk—Charles R. Marshall.  
 President of Common Council—James Hanrahan.

*Board of Councilmen:*

President—Jewett M. Richmond.

George Baldus.	Henry J. Kreinheder.*
James Hanrahan.	Martin Maher.
George W. Hayward.†	George Sandrock.
Andrew Kilgallon.	Mathias Strauss.

\* Died August 2, 1893, and vacancy not filled.

† Died March 13, 1893, and on May 10, 1893, John B. Conkley was elected to fill vacancy.

*Board of Aldermen:*

President—	James Franklin.
1st Ward—	John White.
2d “	John P. Sullivan.
3d “	Joseph Butler.
4th “	John Carey.
5th “	William Summers.
6th “	Solomon Scheu, Jr.
7th “	Frank J. Bissing.
8th “	Abraham Durr.
9th “	Jacob Johnson.
10th “	Adam Boeckel.
11th “	Frederick Kelter.
12th “	Anthony Young.
13th “	John Kick.
14th “	John Lieble.
15th “	Jacob Kissinger.
16th “	Frederick A. Menge.
17th “	Richard Bullymore, Jr.
18th “	Henry P. Burgard.
19th “	John J. Kennedy.
20th “	James Franklin.
21st “	Frank Maischoss.
22d “	Clifford S. A. Coe.
23d “	William K. Williams.
24th “	Robert K. Smither.
25th “	William H. Bradish.

1894.

<i>Mayor</i> .....	Charles F. Bishop.
<i>Comptroller</i> .....	Joseph E. Gavin.
<i>Corporation Counsel</i> .....	Frank C. Laughlin.
<i>Treasurer</i> .....	Robert Oehmig.
<i>Comrs. of Public Works</i> .....	George S. Field.
	James Mooney,
	George S. Gatchell.
<i>Superintendent of Education</i> .....	Henry P. Emerson.



<i>Overseer of Poor</i> .....	Jacob Stauch.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	George Stauber, Michael Callahan, Andrew Beas- ley, Thomas F. Crowley, Nicholas J. Mock.

## COMMON COUNCIL.

City Clerk—Mark S. Hubbell.

President of Common Council—Robert K. Smither.

*Board of Councilmen:*

President—	Jewett M. Richmond.
James Ash.	Andrew Kilgallon.
George Baldus.	Christian Klinck.
Michael J. Byrne.	Martin Maher.
James Hanrahan.	Mathias Strauss.

*Board of Aldermen:*

President—	James Franklin.
1st Ward—	John Sheehan.
2d “	John P. Sullivan.
3d “	Joseph Butler.
4th “	John Carey.
5th “	William Summers.
6th “	Solomon Scheu, Jr.
7th “	Louis W. Faude.
8th “	Abram Durr.
9th “	John O. G. Robert.
10th “	Adam Boeckel.
11th “	Louis Fechter.
12th “	Samuel Caldwell.
13th “	John Kick.
14th “	Charles P. Woltz.
15th “	Jacob Kissinger.
16th “	Frederick A. Menge.
17th “	Richard Bullymore, Jr.

18th Ward—	George Zoeller.
19th “	John J. Kennedy.
20th “	James Franklin.
21st “	Frank Maischoss.
22d “	Clifford S. A. Coe.
23d “	William K. Williams.
24th “	Robert K. Smither.
25th “	William H. Bradish.

1895.

<i>Mayor</i> .....	Edgar B. Jewett.
<i>Comptroller</i> .....	Erastus C. Knight.
<i>Corporation Counsel</i> .....	Frank C. Laughlin.*
<i>Treasurer</i> .....	Robert Oehmig.
<i>Comrs. of Public Works</i> .....	George S. Gatchell.
	Charles G. Pankow.
	James Mooney.
<i>Superintendent of Education</i> ..	Henry P. Emerson.
<i>Overseer of Poor</i> .....	John Arnold.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	Michael Callahan, Nicholas
	J. Mock, Albert H.
	Beyer, Thomas F. Crow-
	ley, Andrew Beasley.

#### COMMON COUNCIL.

City Clerk—Mark S. Hubbell.

President Common Council—Frederick A. Menge.

#### *Board of Councilmen:*

President—	James Ash.
Michael J. Byrne.	Christian Klinec.
A. Frank Gorski.	Martin Maher.
James Hanrahan.	Henry C. Steul.
Andrew J. Keller.	Mathias Strauss.

\* Resigned Nov. 30, 1895, and Charles L. Feldman appointed to fill vacancy

*Board of Aldermen:*

President—Robert H. Smither.

1st Ward—	John Sheehan.
2d    “	John P. Sullivan.
3d    “	Joseph Butler.
4th   “	John Walsh.
5th   “	William Summers.
6th   “	Charles Kiefer.
7th   “	Louis W. Faude.
8th   “	Abram Durr.
9th   “	John O. G. Robert.
10th  “	Adam Boeckel.
11th  “	Louis Fechter.
12th  “	Samuel Caldwell.
13th  “	John Kick.
14th  “	Charles P. Woltz.
15th  “	Jacob Kissinger.
16th  “	Frederick A. Menge.
17th  “	Richard Bullymore.
18th  “	George Zoeller.
19th  “	John J. Kennedy.
20th  “	James Franklin.
21st  “	Frank Maischoss.
22d   “	Clifford S. A. Coe.
23d   “	Joseph C. Veling.
24th  “	Robert K. Smither.
25th  “	William H. Bradish.

1896.

<i>Mayor</i> .....	Edgar B. Jewett
<i>Comptroller</i> .....	Erastus C. Knight.
<i>Corporation Counsel</i> .....	Charles L. Feldman.
<i>Treasurer</i> .....	Philip Gerst.
<i>Comrs. of Public Works</i> .....	James Mooney.
	Charles G. Pankow,
	Marcus M. Drake.

*Superintendent of Education.* Henry P. Emerson.

*Overseer of Poor*..... John Arnold.

*Police Justice* ..... Thomas S. King.

*Assessors* ..... Andrew Beasley, Nicholas  
J. Mock, Albert H. Beyer,  
Thomas F. Crowley, Ed-  
ward G. Volz.

#### COMMON COUNCIL.

City Clerk—Mark S. Hubbell.

President Common Council—Adam Boeckel.

#### *Board of Councilmen:*

President—Christian Klinek.

James N. Adam.	Andrew J. Keller.
James Ash.	Henry C. Steul.
Michael J. Byrne.	Charles H. Utley.
A. Frank Gorski.	Henry Zipp.

*Board of Aldermen:*      Terms expire January 1, 1898.

President—William H. Bradish.

1st Ward—John J. Coughlin.

2d    “    John P. Sullivan.

3d    “    Joseph Butler.

4th   “    John Walsh.

5th   “    William Summers.

6th   “    Charles Kiefer.

7th   “    Edward J. G. Schaefer.

8th   “    Abram Durr.

9th   “    John O. G. Robert.

10th   “    Adam Boeckel.

11th   “    James Smith.

12th   “    Samuel Caldwell.

13th   “    John Kick.

14th   “    Charles P. Woltz.

15th   “    Jacob Kissinger.

16th Ward—	Frederick A. Menge.
17th “	Frederick W. M. Heerwagen.
18th “	George Zoeller.
19th “	John J. Kennedy.
20th “	James Franklin.
21st “	Frank Maischoss.
22d “	Clifford S. A. Coe.
23d “	Joseph C. Veling.
24th “	Robert K. Smither.
25th “	William H. Bradish

1897.

<i>Mayor</i> .....	Edgar B. Jewett.
<i>Comptroller</i> .....	Erastus C. Knight.
<i>Corporation Counsel</i> .....	Charles L. Feldman.
<i>Treasurer</i> .....	Philip Gerst.
<i>Com'rs of Public Works</i> ....	Charles G. Pankow, Mar- cus M. Drake, Michael J. Healy.
<i>Supt. of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	John Arnold.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	Thomas F. Crowley, An- drew Beasley, Nicholas J. Mock, Albert H. Beyer, Edward G. Volz.

#### COMMON COUNCIL.

City Clerk—Mark S. Hubbell.

President Common Council—Charles P. Woltz.

#### *Board of Councilmen:*

President—Christian Klinek.

James N. Adam.	Andrew J. Keller.
James Ash.	Henry C. Steul.
Michael J. Byrne	Charles H. Utley.
A. Frank Gorski.	Henry Zipp.

*Board of Aldermen:* Terms expire Dec. 31, 1897.

President—Jacob Kissinger.

1st Ward—John J. Coughlin.

2d “ John P. Sullivan.

3d “ Joseph Butler.

4th “ John Walsh.

5th “ William Summers.

6th “ Charles Kiefer.

7th “ Edward J. G. Schaefer.

8th “ Abram Durr.

9th “ John O. G. Robert.

10th “ Adam Boeckel.

11th “ James Smith.

12th “ Samuel Caldwell.

13th “ John Kick.

14th “ Charles P. Woltz.

15th “ Jacob Kissinger.

16th “ Frederick A. Menge.

17th “ Frederick W. M. Heerwagen.

18th “ George Zoeller.

19th “ John J. Kennedy.

20th “ James Franklin.

21st “ Frank Maischoss.

22d “ Clifford S. A. Coe.

23d “ Joseph C. Veling.

24th “ Robert K. Smither.

25th “ William H. Bradish.

1898.

*Mayor* ..... Conrad Diehl.

*Comptroller* ..... Erastus C. Knight.

*Corporation Counsel* ..... William H. Cuddeback.

*Treasurer* ..... Philip Gerst.

*Com'rs of Public Works*.... Marcus M. Drake, Michael  
J. Healy, Martin Maher.

*Supt. of Education*..... Henry P. Emerson.

*Overseer of Poor*.....John Arnold.

*Police Justice* ..... Thomas S. King.

*Assessors* ..... Nicholas J. Mock, Albert  
H. Beyer, Edward G.  
Volz, Thomas F. Crowley,  
George Stauber.

COMMON COUNCIL.

City Clerk—Frank W. Gethoefer.

President Common Council—James N. Adam.

*Board of Councilmen:*

President—Henry Zipp.

James N. Adam.

Adam Boeckel.

James Ash.

Jacob Missert.

George Baldus.

Henry C. Steul.

Frank J. Bissing.

Charles H. Utley.

*Board of Aldermen:*

Terms expire Dec. 31, 1899.

President—John J. Kennedy.

1st Ward—John J. Coughlin.\*

2d “ John P. Sullivan.

3d “ Joseph Butler.

4th " John Walsh.

5th " William Summers.

6th " Charles Kiefer.

7th " Charles G. Smeeding.

8th “ Eugene Nassoy.

9th " George Hendler.

10th " William Darmstadter.

11th " James Smith.

12th " Charles J. Schnellbach.

13th " John Kick.

14th “ Frank Cwiklinski.

15th “ Joseph Hassler.

\* Coughlin holds over.

16th Ward—	John F. Barth.
17th “	Frederick W. M. Heerwagen.
18th “	George Zoeller.
19th “	John J. Kennedy.
20th “	James Franklin.
21st “	Frank Maischoss.
22d “	Clifford S. A. Coe.
23d “	Joseph C. Veling.
24th “	George S. Potter.
25th “	George H. Striker.

1899.

<i>Mayor</i> .....	Conrad Diehl.
<i>Comptroller</i> .....	Erastus C. Knight.
<i>Corporation Counsel</i> .....	William H. Cuddeback.
<i>Treasurer</i> .....	Philip Gerst.
<i>Com'rs of Public Works</i> ....	Marcus M. Drake, Michael J. Healy, Martin Maher.
<i>Supt. of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	John Arnold.
<i>Police Justice</i> .....	Thomas S. King.
<i>Assessors</i> .....	Nicholas J. Mock, Albert H. Beyer, Edward G. Volz, Thomas F. Crow- ley, George Stauber.

#### COMMON COUNCIL.

City Clerk—Frank W. Gethoefer.

President Common Council—William Summers.

#### *Board of Councilmen:*

President—Henry Zipp.

James N. Adam.	Adam Boeckel.
James Ash.	Jacob Missert.
George Baldus.	Henry C. Steul.
Frank J. Bissing.	Charles H. Utley.



*Board of Aldermen:* Terms expire Dec. 31, 1899.

President—	John J. Kennedy.
1st Ward—	John White.
2d “	John P. Sullivan.
3d “	Joseph Butler.
4th “	John Walsh.
5th “	William Summers.
6th “	Charles Kiefer.
7th “	Charles G. Smeeding.
8th “	Eugene Nassoy.
9th “	George Hendler.
10th “	William Darmstadter.
11th “	James Smith.
12th “	Charles J. Schnellbach.
13th “	John Kick.
14th “	Frank Cwiklinski.
15th “	Joseph Hassler.
16th “	John F. Barth.
17th “	Frederick W. M. Heerwagen.
18th “	George Zoeller.
19th “	John J. Kennedy.
20th “	James Franklin.
21st “	Frank Maischoss.
22d “	Clifford S. A. Coe.
23d “	Joseph C. Veling.
24th “	George S. Potter.
25th “	George H. Striker.

1900.

<i>Mayor</i> .....	Conrad Diehl.
<i>Comptroller</i> .....	Erastus C. Knight.†
<i>Corporation Counsel</i> .....	William H. Cuddeback.
<i>Treasurer</i> .....	Philip Gerst.
<i>Com'rs of Public Works</i> ....	Michael J. Healy, Martin Maher,* Adam Boeckel.

\* Martin Maher, Commissioner of Public Works, died August 1, 1900.

Augustus F. Scheu appointed Commissioner of Public Works Sept. 24, 1900 to fill vacancy caused by death of Martin Maher.

† Erastus C. Knight resigned as Comptroller December 31, 1900.



14th Ward—	Frank Cwiklinski.
15th “	Jacob Kissinger.
16th “	John F. Barth.
17th “	Frederick W. M. Heerwagen.
18th “	Henry G. Schneider.
19th “	John J. Kennedy.
20th “	James Franklin.
21st “	Frank Maischoss.
22d “	John O. Manning.
23d “	Neil McEachren.
24th “	Charles H. Avery.
25th “	John G. Busch.

## 1901.

<i>Mayor</i> .....	Conrad Diehl.
<i>Comptroller</i> .....	F. W. M. Heerwagen.
<i>Corporation Counsel</i> .....	William H. Cuddeback.
<i>Treasurer</i> .....	Philip Gerst.
<i>Com'rs of Public Works</i> ....	Augustus F. Scheu. Adam Boeckel, Timothy J. Ma- honey.
<i>Supt. of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	John Arnold.
<i>Police Justice</i> .....	Thomas Murphy.
<i>Assessors</i> .....	Nicholas J. Mock, Edward G. Volz, Thomas F. Crowley, Albert H. Bey- er, George Stauber.

## COMMON COUNCIL.

City Clerk—Charles F. Susdorf.  
 President Common Council—Frank Maischoss.

*Board of Councilmen:*

President—James Ash.

Frank J. Bissing.	William E. Kreiner.
Charles F. Dunbar.	Henry C. Ladd.

Simon Fleischmann.	John J. Smith.
Christian Klinek.	Henry C. Steul.

*Board of Aldermen:*            Terms expire Dec. 31, 1901.

President—James Franklin.†

1st Ward—Jeremiah Gorman.

2d    “    John P. Sullivan.

3d    “    Joseph Butler.

4th   “    John J. Collins.

5th   “    William J. Holmes.

6th   “    Fred W. Knickenberg.

7th   “    John Huster.

8th   “    Louis G. Roedel.

9th   “    George Hendler.

10th  “    William Darmstadter.

11th  “    William Haese.

12th  “    Charles J. Schnellbach.

13th  “    Jacob Dix.

14th  “    Frank Cwiklinski.

15th  “    Jacob Kissinger.

16th  “    John F. Barth.

17th  “    Frederick W. M. Heerwagen.\*

18th  “    Henry G. Schneider.

19th  “    John J. Kennedy.

20th  “    James Franklin.

21st  “    Frank Maischoss.

22d   “    John O. Manning.

23d   “    Neil McEachren.

24th  “    Charles H. Avery.

25th  “    John G. Busch.

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\* Frederick W. M. Heerwagen resigned as Alderman of the 17th Ward January 7, 1901.

Frederick W. M. Heerwagen elected Comptroller by the Common Council January 7, 1901.

Henry Landsheft elected Alderman of the 17th Ward at a special election held in that ward March 12, 1901.

† James Franklin, President of the Board of Aldermen, died Nov. 18, 1901.

AN ACT entitled "AN ACT TO REVISE THE CHARTER OF THE CITY OF BUFFALO," passed March 29th, 1901, being Section 45 of Chapter 105 of the Laws of 1901, abolished the Board of Public Works and substituted a single commissioner, the first to be elected in 1901 for a term of two years, and thereafter for a term of four years.

1902.

<i>Mayor</i> .....	Erastus C. Knight.
<i>Comptroller</i> .....	Fred W. M. Heerwagen.
<i>Corporation Counsel</i> .....	Charles L. Feldman.
<i>Treasurer</i> .....	Adam Boeckel.
<i>Com'rs of Public Works</i> ....	Francis G. Ward.
<i>Supt. of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	John Arnold.†
<i>Police Justice</i> .....	Thomas Murphy.
<i>Assessors</i> .....	Thomas F. Crowley, A. H. Beyer, Edward G. Volz, George Stauber‡, Nicho- las J. Mock.

#### COMMON COUNCIL.

City Clerk—Charles F. Susdorf.

President Common Council—Charles F. Dunbar.

#### *Board of Councilmen:*

President—Simon Fleischmann.

James Ash.	Henry C. Ladd.
Charles F. Dunbar.	John J. Smith.
Christian Klinek.	Henry C. Steul.*
William E. Kreiner.	Thomas Stoddart.

*Board of Aldermen:* Terms expire Dec. 31, 1903.

President—Frank Maischoss.

1st Ward—Jeremiah Gorman.

2d " John P. Sullivan.

3d " Joseph Butler.

\* Adam Boeckel resigned as councilman January 24, 1902.

Henry C. Steul elected councilman to fill vacancy January 24, 1902.

† John Arnold died February 4, 1902.

Louis J. Kenngott elected Overseer of Poor by Common Council February 11 1902, to fill vacancy caused by death of John Arnold.

‡ George Stauber, Assessor, died December 22, 1902.

4th Ward—	John J. Collins.
5th “	William J. Holmes.
6th “	Henry Moest.
7th “	John Huster.
8th “	Louis G. Roedel.
9th “	George Wiener.
10th “	Joseph W. Wauz.
11th “	James Smith.
12th “	Louis H. Mullenhoff.
13th “	John Kick.
14th “	Ernest Wedekindt.
15th “	Joseph Hassler.
16th “	Edward C. Beiser.
17th “	Henry Landsheft.
18th “	George Zoeller.
19th “	John J. Kennedy.
20th “	John Martin.
21st “	Frank Maischoss.
22d “	John O. Manning.
23d “	Neil McEachren.
24th “	James N. Adam.
25th “	J. Thomas Harp.

1903.

<i>Mayor</i> .....	Erastus C. Knight.
<i>Comptroller</i> .....	Fred W. M. Heerwagen.
<i>Corporation Counsel</i> .....	Charles L. Feldman.
<i>Treasurer</i> .....	Adam Boeckel.
<i>Com'rs of Public Works</i> ....	Francis G. Ward.
<i>Supt. of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Police Justice</i> .....	Thomas Murphy.
<i>Assessors</i> .....	Thomas F. Crowley, A. H. Beyer, Edward G. Volz, Charles T. Williams,* Nicholas J. Moek.

Charles T. Williams appointed Assessor January 2, 1903.

\* Charles T. Williams resigned March 16, 1903.

## COMMON COUNCIL.

City Clerk—Charles F. Susdorf.

President Common Council—Neil McEachren.

*Board of Councilmen:*

President—Simon Fleischmann

James Ash.	Henry C. Ladd.
Charles F. Dunbar.	John J. Smith.
Christian Klinck.†	Henry C. Steul.
William E. Kreiner.	Thomas Stoddart.

*Board of Aldermen:* Terms expire Dec. 31, 1903.

President—John Kick.

1st Ward—	Jeremiah Gorman.
2d “	John P. Sullivan.
3d “	Joseph Butler.
4th “	John J. Collins.
5th “	William J. Holmes.
6th “	Henry Moest.
7th “	John Huster.
8th “	Louis G. Roedel.
9th “	George Wiener.
10th “	Joseph W. Walz.
11th “	James Smith.
12th “	Louis H. Mullenhoff.
13th “	John Kick.
14th “	Ernest Wedekindt.
15th “	Joseph Hassler.
16th “	Edward C. Beiser.
17th “	Henry Landsheft.
18th “	George Zoeller.
19th “	John J. Kennedy.
20th “	John Martin.
21st “	Frank Maischoss.‡

† Christian Klinck, Councilman, died June 3, 1903.

‡ Frank Maischoss, Alderman of the 21st Ward, died August 20, 1903.

George J. Haffa elected Alderman of the 21st Ward, November 4, 1903, by the Common Council, to fill vacancy caused by the death of Frank Maischoss.

22d Ward—	John O. Manning.
23d     “	Neil McEachren.
24th    “	James N. Adam.
25th    “	J. Thomas Harp.

AN ACT entitled “AN ACT TO REVISE THE CHARTER OF THE CITY OF BUFFALO,” passed February 19th, 1903, being Chapter 105 of the Laws of 1891, changing the Board of Assessors from five Assessors to three Assessors.

1904.

<i>Mayor</i> .....	Erastus C. Knight.
<i>Comptroller</i> .....	Fred W. M. Heerwagen.
<i>Corporation Counsel</i> .....	Charles L. Feldman.
<i>Treasurer</i> .....	Walter J. Shepard.
<i>Com'rs of Public Works</i> ....	Francis G. Ward.
<i>Supt. of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Police Justice</i> .....	Thomas Murphy.
<i>Assessors</i> .....	Albert H. Beyer, Edward G. Volz, Nicholas J. Mock.

#### COMMON COUNCIL.

City Clerk—Charles F. Susdorf.

President Common Council—Henry C. Ladd.

#### *Board of Councilmen:*

President John J. Smith.

James N. Adam.	William Germann.
James Ash.	Henry C. Ladd.
John F. Barth.	Charles G. Pankow.
Henry H. Bingham.	M.D. Thomas Stoddart.

*Board of Aldermen:*           Terms expire Dec. 31, 1905.

President—John O. Manning.

1st Ward—Jeremiah Gorman.

2d     “     John P. Sullivan.



3d Ward—	Joseph Butler.
4th “	John J. Collins.
5th “	Orrin F. Pierce.
6th “	Henry Moest.
7th “	John Huster.
8th “	Edward Sperry.
9th “	Bernard J. Pitass.
10th “	Joseph W. Walz.
11th “	James Smith.
12th “	Louis H. Mullenhoff.
13th “	John Kick.
14th “	Ernest Wedekindt.
15th “	Charles J. Fix.
16th “	Frank J. Schmidt.
17th “	Henry Landsheft.
18th “	Jacob A. Gangnagel.
19th “	John J. Kennedy.
20th “	John Martin.
21st “	George J. Haffa.
22d “	John O. Manning.
23d “	Neil McEachren.
24th “	Francis T. Coppins.
25th “	J. Thomas Harp.

1905.

<i>Mayor</i> .....	Erastus C. Knight.
<i>Comptroller</i> .....	Fred W. M. Heerwagen.*
<i>Corporation Counsel</i> .....	Charles L. Feldman.
<i>Treasurer</i> .....	Walter J. Shepard.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Police Justice</i> .....	Thomas Murphy.
<i>Assessors</i> .....	Nicholas J. Mock, Albert H. Beyer, Edward G. Volz.

\* Frederick W. M. Heerwagen, Comptroller, died February 11, 1905.

Frank T. Gilbert appointed Comptroller February 20, 1905, to fill the vacancy caused by the death of Frederick W. M. Heerwagen.

## COMMON COUNCIL.

City Clerk—Charles F. Susdorf.

President Common Council—Henry Landsheft.

*Board of Councilmen:*

President—Thomas Stoddart.

James N. Adam.	William Germann.
James Ash.	Henry C. Ladd.
John F. Barth.	Charles G. Pankow.
Henry H. Bingham,	John J. Smith.
M. D.	

*Board of Aldermen:*

Terms expire Dec. 31, 1905.

President— Neil McEachren.

1st Ward—Jeremiah Gorman.

2d    “     John P. Sullivan.

3d    “     Joseph Butler.

4th   “     John J. Collins.

5th   “     Orrin F. Pierce.

6th   “     Henry Moest.†

7th   “     John Huster.

8th   “     Edward Sperry.

9th   “     Bernard J. Pitass.

10th  “     Joseph W. Walz.

11th  “     James Smith.‡

12th  “     Louis H. Mullenhoff.

13th  “     John Kick.

14th  “     Ernest Wedekindt.

15th  “     Charles J. Fix.

16th  “     Frank J. Schmidt.

17th  “     Henry Landsheft.

† Henry Moest, Alderman 6th Ward, died July 8, 1905.

John Moest elected Alderman of the 6th Ward by the Common Council July 21, 1905, to fill vacancy caused by the death of Henry Moest.

‡ James Smith resigned as Alderman of the 11th Ward October 16, 1905.

John F. Nowak elected Alderman of the 11th Ward by the Common Council October 23, 1905, to fill vacancy caused by resignation of James Smith.

18th Ward—	Jacob A. Gangnagel.
19th “	John J. Kennedy.
20th “	John Martin.
21st “	George J. Haffa.
22d “	John O. Manning.
23d “	Neil McEachren.
24th “	Francis T. Coppins.
25th “	J. Thomas Hart.

## 1906.

<i>Mayor</i> .....	James N. Adam.
<i>Comptroller</i> .....	George M. Zimmerman.
<i>Corporation Counsel</i> .....	Louis E. Desbecker.
<i>Treasurer</i> .....	Walter J. Shepard.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Police Justice</i> .....	Thomas Murphy.
<i>Assessors</i> .....	Edward G. Volz, Frank J. Schmidt, Martin J. Ryan.

## COMMON COUNCIL.

City Clerk—Daniel J. Sweeney.

President Common Council—John C. Betz.

*Board of Councilmen:*

President—James Macbeth.

John F. Barth.	John McManus.
*Edward Beck.	Charles G. Pankow.
John C. Betz.	John J. Smith.
William Germann.	Henry Zipp.

*Board of Aldermen:*

Terms expire Dec. 31, 1907.

President—John P. Sullivan.

1st Ward—Jeremiah Gorman.

2d “ John P. Sullivan.

James N. Adam resigned as Councilman January 1, 1906.

\* Edward Beck elected Councilman, January 3, 1906, to fill vacancy caused by resignation of Councilman James N. Adam.

3d Ward—	Joseph Butler.
4th “	John J. Collins.
5th “	William Sheehan.
6th “	Louis P. Fuhrmann.
7th “	George Kelberer.
8th “	Edward Sperry.
9th “	Bernard J. Pitass.
10th “	Joseph W. Walz.
11th “	John F. Nowak.
12th “	Louis H. Mullenhoff.
13th “	William O. Weimar.
14th “	Frank Cwiklinski.
15th “	Charles J. Fix.†
16th “	George J. Burley.
17th “	Henry Landsheft.
18th “	Henry F. Jerge.
19th “	John J. Kennedy.
20th “	William C. Callanan.
21st “	George J. Haffa.
22d “	John O. Manning.
23d “	Neil McEachren.
24th “	Francis T. Coppins.
25th “	George H. Striker.

1907.

<i>Mayor</i> .....	James N. Adam.
<i>Comptroller</i> .....	George M. Zimmerman.
<i>Corporation Counsel</i> .....	Louis E. Desbecker.
<i>Treasurer</i> .....	Walter J. Shepard.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Police Justice</i> .....	Thomas Murphy.
<i>Assessors</i> .....	Edward G. Volz, Frank J. Schmidt, Martin J. Ryan.

† Charles J. Fix resigned as Alderman of the 15th Ward March 12, 1906.

George W. Frank elected Alderman of the 15th Ward by the Common Council March 19, 1906, to fill the vacancy caused by the resignation of Charles J. Fix.

## COMMON COUNCIL.

City Clerk—Daniel J. Sweeney.

President Common Council—Henry F. Jerge.

*Board of Councilmen:*

President—John McManus.

John F. Barth.

James Macbeth.\*

Edward Beck.

Charles G. Pankow.

John C. Betz.

John J. Smith.

William Germann.

Henry Zipp.

*Board of Aldermen:*

Terms expire Dec. 31, 1907.

President—John P. Sullivan.

1st Ward—Jeremiah Gorman.

2d “ John P. Sullivan.

3d “ Joseph Butler.

4th “ John J. Collins.

5th “ William Sheehan.

6th “ Louis P. Fuhrmann.

7th “ George Kelberer.

8th “ Edward Sperry.

9th “ Bernard J. Pitass.

10th “ Joseph W. Walz.

11th “ John F. Nowak.

12th “ Louis H. Mullenhoff.

13th “ William O. Weimar.

14th “ Frank Cwiklinski.

15th “ George W. Frank.

16th “ George J. Burley.

17th “ Henry Landsheft.

18th “ Henry F. Jerge.

19th “ John J. Kennedy.

20th “ William C. Callanan.

21st “ George J. Haffa.

\* James Macbeth, died July 5, 1907.

James M. Rozan, elected Councilman by the Common Council September 18, 1907, to fill vacancy caused by the death of James Macbeth.

22d Ward—	John O. Manning.
23d     “	Neil McEachren.
24th   “	Francis T. Coppins.
25th   “	George H. Striker.

1908.

<i>Mayor</i> .....	James N. Adam.
<i>Comptroller</i> .....	George M. Zimmerman.
<i>Corporation Counsel</i> .....	Louis E. Desbecker.
<i>Treasurer</i> .....	Neil McEachren.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Police Justice</i> .....	Simon A. Nash.
<i>Assessors</i> .....	Frank J. Schmidt, Martin J. Ryan, Edward G. Volz.

## COMMON COUNCIL.

City Clerk—Harold J. Balliett.

President Common Council—Henry Adsit Bull.

*Board of Councilmen:*

President—Henry H. Bingham.

John C. Betz.	Jacob J. Siegrist.
Henry Adsit Bull.	Charles L. Willert.
Alfred H. Burt.	William Burnet Wright,
*John McManus.	Jr.
	Henry Zipp.

*Board of Aldermen:*

Terms expire Dec. 31, 1909.

President— George J. Haffa.

1st Ward—John P. Sullivan.

2d     “     John J. Collins.

3d     “     Joseph Butler.

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\* John McManus died March 11, 1908.

William W. Reilley elected Councilman by the Board of Councilmen April 29, 1908, to fill vacancy caused by the death of John McManus.

4th Ward—	Elmer E. Harris.
5th “	Louis P. Fuhrmann.
6th “	James S. Porter.
7th “	Edward Sperry.
8th “	John F. Nowak.
9th “	William Metzler.
10th “	William O. Weimar.
11th “	Frank J. Britz.
12th “	Frank W. Schmieding.
13th “	George J. Burley.
14th “	Charles F. Brooks.
15th “	Samuel Stengel.
16th “	Henry F. Jerge. <sup>†</sup>
17th “	Harry Fisher.
18th “	George H. Striker.
19th “	Octave A. Bruso.
20th “	William H. Crosby.
21st “	Francis T. Coppins.
22d “	William E. Shifferens.
23d “	George J. Haffa.
24th “	Frank J. Eberle.
25th “	John J. Kennedy.

1909.

<i>Mayor</i> .....	James N. Adam.
<i>Comptroller</i> .....	George M. Zimmerman.
<i>Corporation Counsel</i> .....	Louis E. Desbecker.
<i>Treasurer</i> .....	Neil McEachren.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Police Justice</i> .....	Simon A. Nash.
<i>Assessors</i> .....	Frank J. Schmidt, Martin J. Ryan, Edward G. Volz.

<sup>†</sup> Henry F. Jerge resigned as Alderman of the 16th Ward December 14, 1908

Nicholas Niederpruem elected Alderman of the 16th Ward by the Common Council December 28, 1908, to fill the vacancy caused by the resignation of Henry F. Jerge.

## COMMON COUNCIL.

City Clerk—Harold J. Balliett.

President Common Council—Francis T. Coppins.

*Board of Councilmen:*

President—Henry H. Bingham.

John C. Betz.	Jacob J. Siegrist.
Henry Adsit Bull.	Charles L. Willert.
Alfred H. Burt.	Henry Zipp.
William W. Reilley.	William Burnett Wright, Jr.

*Board of Aldermen:*

Terms expire Dec. 31, 1909.

President— William O. Weimar.

1st Ward—	John P. Sullivan.
2d    “	John J. Collins.
3d    “	Joseph Butler.
4th   “	Elmer E. Harris.
5th   “	Louis P. Fuhrmann.
6th   “	James S. Porter.
7th   “	Edward Sperry.
8th   “	John F. Nowak.
9th   “	William Metzler.
10th  “	William O. Weimar.
11th  “	Frank J. Britz.
12th  “	Frederick W. Schmieding.*
13th  “	George J. Burley.
14th  “	Charles F. Brooks.
15th  “	Samuel Stengel.
16th  “	Nicholas Niederpruem.
17th  “	Harry Fisher.
18th  “	George H. Striker.

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\* Frederick W. Schmieding died May 14, 1909.

William Becker elected Alderman of the 12th Ward by the Common Council June 14, 1909, to fill vacancy caused by the death of Frederick W. Schmieding.



19th Ward—	Octave A. Brusco.
20th “	William H. Crosby.
21st “	Francis T. Coppins.
22d “	William E. Shifferens.
23d “	George J. Haffa.
24th “	Frank J. Eberle.
25th “	John J. Kennedy.

## 1910.

<i>Mayor</i> .....	Louis P. Fuhrmann.
<i>Comptroller</i> .....	William G. Justice.
<i>Corporation Counsel</i> .....	Clark H. Hammond.
<i>Treasurer</i> .....	Neil McEachren.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Chief Judge, City Court</i> .....	William P. Brennan.
<i>Associate Judges, City Court</i> .	Peter Maul, Albert A. Hartzell, Simon A. Nash, Devoe P. Hodson, George E. Judge.
<i>Assessors</i> .....	Martin J. Ryan, William J. Burke, John C. Betz.

## COMMON COUNCIL.

City Clerk—Harold J. Balliett.

President Common Council—Charles L. Willert.

*Board of Councilmen:*

President—Henry H. Bingham.

Henry Adsit Bull.	John T. Mahoney.
Alfred H. Burt.	Jacob J. Siegrist.
L. Bradley Dorr.	Charles L. Willert.
John Duchmann.	William Burnett Wright, Jr.

*Board of Aldermen:*

Terms expire Dec. 31, 1911.

President—Francis T. Coppins.

1st Ward—	John P. Sullivan.
2d    “	John H. Bradley.
3d    “	Edward P. Costello.
4th   “	Elmer E. Harris.
5th   “	Edward Stengel.
6th   “	J. George Kelberer.
7th   “	Edward Sperry.
8th   “	John F. Nowak.
9th   “	William Metzler.
10th  “	William O. Weimar.
11th  “	Frank J. Britz.
12th  “	Henry Bauer.
13th  “	George J. Burley.
14th  “	Christopher P. Schilling.
15th  “	Samuel Stengel.
16th  “	Philip Leininger.
17th  “	Harry Fisher.
18th  “	William G. Humphrey.
19th  “	Octave A. Bruso.
20th  “	George K. Staples.
21st  “	Francis T. Coppins.
22d   “	William E. Shifferens.
23d   “	George J. Haffa.
24th  “	Frank J. Eberle.
25th  “	John J. Kennedy.*

AN ACT entitled “AN ACT TO REVISE THE CHARTER OF THE CITY OF BUFFALO,” passed May 29, 1909, providing for the creation and establishment of a City Court, with a chief judge and five associate judges. The offices of Police Justice, Judges of the Municipal Court and Justices of the Peace were abolished.

\* John J. Kennedy resigned as Alderman of the 25th Ward, December 28, 1910.

Thomas J. Kavany elected Alderman of the 25th Ward by the Common Council December 31, 1910, to fill the vacancy caused by the resignation of John J. Kennedy.

1911.

<i>Mayor</i> .....	Louis P. Fuhrmann.
<i>Comptroller</i> .....	William G. Justice.
<i>Corporation Counsel</i> .....	Clark H. Hammond.
<i>Treasurer</i> .....	Neil McEachren.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Chief Judge, City Court</i> .....	William P. Brennan.
<i>Associate Judges, City Court</i> .	Peter Maul, Albert A. Hartzell, Simon A. Nash, George E. Judge.
<i>Assessors</i> .....	Martin J. Ryan, John C. Betz, William J. Burke.

## COMMON COUNCIL.

City Clerk—Harold J. Balliett.

President Common Council—Octave A. Bruso.

*Board of Councilmen:*

President—Alfred H. Burt.

Henry H. Bingham.	Henry Adsit Bull.
L. Bradley Dorr.	John Duchmann.
John T. Mahoney.	Jacob J. Siegrist.
Charles L. Willert.	Wm. Burnet Wright, Jr.

*Board of Aldermen:*

President—Elmer E. Harris.

1st Ward—John P. Sullivan.

2d “ John H. Bradley.

3d “ Edward P. Costello.

4th “ Elmer E. Harris.

5th “ Edward Stengel.

6th “ J. George Kelberer.

7th “ Edward Sperry.

8th “ John F. Nowak.

9th “ William Metzler.

10th Ward—	William O. Weimar.
11th “	Frank J. Britz.
12th “	Henry Bauer.
13th “	George J. Burley.
14th “	Christopher P. Schilling.
15th “	Samuel Stengel.
16th “	Philip Leininger.
17th “	Harry Fisher.
18th “	William G. Humphrey.
19th “	Octave A. Bruso.
20th “	George K. Staples.
21st “	Francis T. Coppins.
22d “	William E. Shifferens.
23d “	George J. Haffa.
24th “	Frank J. Eberle.
25th “	Thomas J. Kavany.

## 1912.

<i>Mayor</i> .....	Louis P. Fuhrmann.
<i>Comptroller</i> .....	William G. Justice.
<i>Corporation Counsel</i> .....	Clark H. Hammond.
<i>Treasurer</i> .....	John Reimann.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Chief Judge, City Court</i> .....	William P. Brennan.
<i>Associate Judges, City Court</i> ..	Albert A. Hartzell, Peter Maul, Thomas H. Noon- an, Patrick J. Keeler, George L. Hager.
<i>Assessors</i> .....	John C. Betz, William J. Burke. John T. Ma- honey.

## COMMON COUNCIL.

City Clerk—Harold J. Balliett.

President—L. Bradley Dorr.

*Board of Councilmen:*

President—Charles L. Willert.

Francis T. Coppins.	L. Bradley Dorr.
Boleslaw Dorasewicz.	John Duchmann.
John T. Mahoney.*	Allan I. Holloway.
Horace Charles Mills.	William O. Weimar.

*Board of Aldermen:*

President—George K. Staples.

1st Ward—	John P. Sullivan.
2d    “	Michael J. Healy.
3d    “	John H. Bradley.
4th   “	E. H. B. Kopperman.
5th   “	Elmer E. Harris.
6th   “	Edward Stengel.
7th   “	Henry Luippold.
8th   “	Edward Sperry.
9th   “	Anthony J. Walkowiak.
10th   “	John F. Nowak.
11th   “	Louis Fechter. Sr.
12th   “	George J. Burley.
13th   “	Christopher P. Schilling.
14th   “	John Fries.
15th   “	William F. Waldo.
16th   “	Frank T. Dance.
17th   “	Samuel Stengel.
18th   “	Philip Leininger.
19th   “	Fred W. Gerking.
20th   “	Harry Fisher.
21st   “	William G. Humphrey.
22d   “	George Vosseller.
23d   “	George K. Staples.
24th   “	William E. Shifferens.

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\* John T. Mahoney resigned as Councilman January 1, 1912.

William Germann elected Councilman by the Board of Councilmen January 3, 1912, to fill the vacancy caused by resignation of John T. Mahoney.

25th Ward— George J. Haffa.  
 26th “ Thomas H. McDonough.  
 27th “ James D. Wilson.

1913.

*Mayor* ..... Louis P. Fuhrmann.  
*Comptroller* ..... William G. Justice.  
*Corporation Counsel*..... Clark H. Hammond.  
*Treasurer* ..... John Reimann.  
*Com'r of Public Works*..... Francis G. Ward.  
*Sup't of Education*..... Henry P. Emerson.  
*Overseer of Poor*..... Louis J. Kenngott.  
*Chief Judge, City Court*..... William P. Brennan.  
*Associate Judges, City Court* Albert A. Hartzell, Peter  
 Maul, Thomas H. Noon-  
 an, Patrick J. Keeler,  
 George L. Hager.  
*Assessors* ..... John C. Betz, William J.  
 Burke, John T. Ma-  
 honey.

#### COMMON COUNCIL.

City Clerk—Harold J. Balliett.  
 President—William E. Shifferens.

#### *Board of Councilmen:*

President—Horace C. Mills.

Francis T. Coppins.	John Duchmann.
Boleslaw Dorasewicz.	Allan I. Holloway.
William Germann.	William O. Weimar.
L. Bradley Dorr.	Charles L. Willert.

#### *Board of Aldermen:*

President—Edward Sperry.

1st Ward—John P. Sullivan.  
 2d “ Michael J. Healy.  
 3d “ John H. Bradley.

4th Ward—	E. H. B. Kopperman.
5th “	Elmer E. Harris.
6th “	Edward Stengel.
7th “	Henry Luippold.
8th “	Edward Sperry.
9th “	Anthony J. Walkowiak.
10th “	John F. Nowak.
11th “	Louis Fechter, Sr.
12th “	George J. Burley.
13th “	Christopher P. Schilling.
14th “	John Fries.
15th “	William F. Waldow.
16th “	Frank T. Dance.
17th “	Samuel Stengel.
18th “	Philip Leininger.
19th “	Fred W. Gerking.
20th “	Harry Fisher.
21st “	William G. Humphrey.
22d “	George Vosseller.
23d “	George K. Staples.
24th “	William E. Shifferens.
25th “	George J. Haffa.
26th “	Thomas H. McDonough.
27th “	James D. Wilson.*

1914.

<i>Mayor</i> .....	Louis P. Fuhrmann.
<i>Comptroller</i> .....	John F. Cochrane.
<i>Corporation Counsel</i> .....	William S. Rann.
<i>Treasurer</i> .....	John Reimann.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.
<i>Chief Judge, City Court</i> .....	William P. Brennan.

\* James D. Wilson died January 1, 1913.

Edward P. Kelly elected Alderman of the 27th Ward by the Common Council January 8, 1913, to fill vacancy caused by the death of James D. Wilson.

*Associate Judges, City Court.* Albert A. Hartzell, Peter Maul, Thomas H. Noonan, Patrick J. Keeler, George L. Hager.

*Assessors* ..... William J. Burke, John T. Mahoney, John C. Betz.

#### COMMON COUNCIL.

City Clerk—Daniel J. Sweeney.

President—William J. Coad.

#### *Board of Councilmen:*

President—Boleslaw Dorasewicz.

William J. Coad. Francis T. Coppins.

William E. Glass. Allan I. Holloway.

Thoeft Kaitanowski. Horace O. Mills.

William J. Warwick. William O. Weimar.

#### *Board of Aldermen:*

President—John P. Sullivan.

1st Ward—John P. Sullivan.

2d “ Michael J. Healy.

3d “ Edward P. Costello.

4th “ Arthur J. Shea.

5th “ Timothy P. Coughlin.

6th “ Edward Stengel.\*

7th “ Edward J. Endres.

8th “ Edward Sperry.

9th “ Anthony J. Walkowiak.

10th “ Frank Roskwitalski.

11th “ Peter Mildemberger.

12th “ George J. Burley.

13th “ Otto L. Geyer.

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\* Resigned December 29, 1914.

Joseph F. Suttner elected Alderman of the 6th Ward by the Common Council, December 30, 1914, to fill the vacancy caused by the resignation of Edward Stengel.



14th Ward—	John Fries.
15th “	George Kohl.
16th “	Frank T. Dance.
17th “	Joseph H. Houck.
18th “	Conrad J. Meyer.
19th “	Arnold T. Armbrust.
20th “	Frederick H. Holtz.
21st “	William G. Humphrey.
22d “	John Purcell.
23d “	George G. Davidson, Jr.
24th “	Joseph P. Broderick.
25th “	George J. Haffa.
26th “	Thomas H. McDonough.
27th “	Edward P. Kelly.

## 1915.

<i>Mayor</i> .....	Louis P. Fuhrmann.
<i>Comptroller</i> .....	John F. Cochrane.
<i>Corporation Counsel</i> .....	William S. Rann.
<i>Treasurer</i> .....	John Reimann.
<i>Com'r of Public Works</i> .....	Francis G. Ward.
<i>Sup't of Education</i> .....	Henry P. Emerson.
<i>Overseer of Poor</i> .....	Louis J. Kenngott.

## CITY COURT.

<i>Chief Judge, City Court</i> .....	William P. Brennan.
<i>Associate Judges, City Court</i> .	Albert A. Hartzell, Peter J. Maul, Thomas H. Noonan, Patrick J. Keel- er, George L. Hager.
<i>Assessors</i> .....	William J. Burke, John T. Mahoney, John C. Betz.

## COMMON COUNCIL.

City Clerk—	Daniel J. Sweeney.
President—	Timothy P. Coughlin.

*Board of Councilmen:*

President—Boleslaw Dorasewicz.

William J. Coad.	Francis T. Coppins.
William E. Glass.	Allan I. Holloway.
Thoefil Kaitanowski.	Horace C. Mills.
William J. Warwick.	William O. Weimar.

*Board of Aldermen:*

President—George J. Burley.

1st Ward—	John P. Sullivan.
2d “	Michael J. Healy.
3d “	Edward P. Costello.
4th “	Arthur J. Shea.
5th “	Timothy P. Coughlin.
6th “	Joseph F. Suttner.
7th “	Edward J. Endres.
8th “	Edward Sperry.
9th “	Anthony J. Walkowiak.
10th “	Frank Roskwitalski.
11th “	Peter Mildenberger.
12th “	George J. Burley.
13th “	Otto L. Geyer.
14th “	John Fries.
15th “	George Kohl.
16th “	Frank T. Dance.
17th “	Joseph H. Houck.
18th “	Conrad J. Meyer.
19th “	Arnold T. Armbrust.
20th “	Frederick H. Holtz.
21st “	William G. Humphrey.
22d “	John Purcell.
23d “	George G. Davidson, Jr.
24th “	Joseph P. Broderick.
25th “	George J. Haffa.
26th “	Thomas H. McDonough.
27th “	Edward P. Kelly.

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\*So in original.

# THE CHARTER OF THE CITY OF BUFFALO

CHAPTER 217, LAWS OF 1914

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## AN ACT

TO PROVIDE A CHARTER FOR THE CITY OF BUFFALO.

Approved by Governor Martin H. Glynn, April 7th, 1914.

Accepted by the people at a general election—36,327 in favor;  
21,001 against; 18,865 blank votes. Total vote cast, 76,203.

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*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

### TITLE I.

BOUNDARIES; CIVIL DIVISIONS; POWERS; RIGHTS AND  
OBLIGATIONS OF THE CITY.

Section 1. This act is a public act and shall be known as "The Charter of the City of Buffalo."

§ 2. The city of Buffalo shall be bounded as follows: Beginning at a point where a line drawn parallel with and thirteen hundred and fifty-three feet distant and southerly at right angles from the northerly line of lot one hundred and three on the "mile strip" of the New York state reservation on the Niagara river will intersect the east bank of the Niagara river and running thence easterly and parallel with said northerly line of said lot

one hundred and three to the New York state reservation line, including so much of said lot one hundred and three as lies southerly of the line, thus establishing and excluding so much of the "Jones mile square," so-called, as lies northerly of said line; thence southeasterly along the northeasterly bounds of the said "Jones mile square" and the New York state reservation line the following courses and distance, to wit: South forty degrees east, two chains and sixty links; south thirty-five degrees east, seven chains; south thirty degrees east, seven chains; south twenty-five degrees east, seven chains; and south twenty degrees east, one chain and eighty-three links to the northwesterly corner of township number eleven, in the eighth range of townships of the Holland Land Company's survey; thence easterly, along the northerly line of said township to the northeasterly corner thereof; thence easterly, along the northerly line of lot number sixty-six of the eleventh township and seventh range, to the northeasterly corner of said lot number sixty-six; thence southerly, along the easterly line of said lot number sixty-six, to the center line of Main street; thence northeasterly along the center line of Main street to the center line of Bailey avenue; thence southerly along the center line of Bailey avenue to the northerly line of lot number forty-six; thence easterly, along the southerly line of lots numbers fifty-eight, fifty-seven and fifty-six, to the southeasterly corner of said lot fifty-six; thence southerly along the easterly line of lots numbers forty-six, forty-five, forty-four, forty-three, forty-two and forty-one, in the southwesterly corner of lot number thirty-two, and the southeasterly corner of lot number forty-one in

said last-mentioned township; said corners being also a point in the northerly line of the Buffalo Creek Indian reservation, as surveyed by James Sperry, eight chains and eighty-two links easterly from the northwesterly corner of lot number one hundred and forty-eight and one-half; thence south one degree and fifty-one minutes west, two hundred and eighty-eight chains and seventy-four links to a point in the southerly line of lot number two hundred and seventy-four of said reservation, and eighteen chains and forty-eight links easterly from southwesterly corner of said lot number two hundred and seventy-four; thence westerly along the southerly line of lots numbers two hundred and seventy-four, two hundred and sixty-four, two hundred and sixty-three and forty-two, to the southwesterly corner of said lot number forty-two; thence westerly on the same course as the last described line, to the westerly line of the state of New York; thence northerly, along said westerly line of the state of New York, to a point on Niagara river at right angles with the easterly shore opposite the place of beginning, and thence, in a right line easterly, to the place of beginning.

§ 3. The city shall be divided into twenty-seven wards, bounded respectively, as follows:

#### FIRST WARD.

All that portion of the city included in the following boundary shall be known as the first ward, to wit: Beginning at the intersection of the center lines of Main street and Perry street; thence along the center line of Main street southerly to the center line of Buffalo river; thence westerly along the

center line of Buffalo river to a point in the westerly boundary of the state of New York opposite the mouth of Buffalo river; thence southerly along the westerly boundary of the state of New York to the intersection with a line which would be formed if the easterly track of the Buffalo Creek railroad were continued in a straight line to the westerly boundary of the state of New York; thence northeasterly along the center of said line to the easterly track of the Buffalo Creek railroad as now located to the center line of Perry street; thence westerly along the center line of Perry street to the intersection of the center lines of Main street and Perry street, the place of beginning.

#### SECOND WARD.

Beginning at the intersection of the center lines of Main street and Eagle street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Perry street; thence easterly along the center line of Perry street to the intersection of the center lines of Perry street and Louisiana street; thence northerly along the center line of Louisiana street to the intersection of the center lines of Seneca street and Louisiana street; thence easterly along the center line of Seneca street to the intersection of the center lines of Seneca street and Spring street; thence northerly along the center line of Spring street to the intersection of the center lines of Eagle street and Spring street; thence westerly along the center line of Eagle street to the intersection of the center lines of Main street and Eagle street, the place of beginning.



## THIRD WARD.

Beginning at the intersection of the center lines of Spring street and Eagle street; thence southerly along the center line of Spring street to the intersection of the center lines of Spring street and Seneca street; thence westerly along the center line of Seneca street to the intersection of the center lines of Seneca street and Louisiana street; thence southerly along the center line of Louisiana street to the intersection of the center lines of Louisiana street and Perry street; thence easterly along the center line of Perry street to the intersection of the center lines of Perry street and Babcock street; thence northerly along the center line of Babcock street to the intersection of the center lines of Babcock street and Clinton street; thence westerly along the center line of Clinton street to the intersection of the center lines of Clinton street and Fillmore avenue; thence southerly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and Eagle street; thence westerly along the center line of Eagle street to the intersection of the center lines of Spring street and Eagle street, the place of beginning.

## FOURTH WARD.

Beginning at the intersection of the center lines of Babcock street and Clinton street; thence southwesterly along the center line of Babcock street to the intersection of the center lines of Babcock street and Perry street; thence westerly along the center line of Perry street to the easterly boundary of the first ward; thence southwestwardly along said easterly boundary to the westerly boundary

of the state of New York; thence southeasterly along said westerly boundary to its intersection with the southerly boundary of the said city; thence easterly along the southerly boundary of said city to its intersection with the center line of South Park avenue; thence northerly and northeasterly along the center line of South Park avenue to the intersection of the center lines of South Park avenue and Seneca street; thence northwesterly along the center line of Seneca street to the intersection of the center lines of Seneca street and Bailey avenue; thence northeasterly along the center line of Bailey avenue to the intersection of the center lines of Bailey avenue and Clinton street; thence northwesterly along the center line of Clinton street to the intersection of the center lines of Clinton street and Babcock street, the place of beginning.

#### FIFTH WARD.

Beginning at the intersection of the center lines of Bailey avenue and Clinton street; thence southwesterly along the center line of Bailey avenue to the intersection of the center lines of Bailey avenue and Seneca street; thence southeasterly along the center line of Seneca street to the intersection of the center lines of Seneca street and South Park avenue; thence southwestery and southerly along the center line of South Park avenue to the intersection of the center line of South Park avenue and the southerly boundary of said city; thence easterly along the southerly boundary of said city to the southeast corner of said city; thence northerly along the easterly boundary of said city to its intersection with the center line of Clinton street; thence westerly along the center

line of Clinton street to the intersection of the center lines of Clinton street and Bailey avenue, the place of beginning.

#### SIXTH WARD.

Beginning at the intersection of the center lines of Main street and Goodell street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Pine street; thence northerly along the center line of Pine street to the intersection of the center lines of Pine street and William street; thence easterly along the center line of William street to the intersection of the center line of William street and Bennett street; thence northwesterly along the center lines of Bennett street and Ash street to the intersection of the center lines of Genesee street and Ash street; thence westerly along the center line of Genesee street to the intersection of the center lines of Michigan street and Genesee street; thence northerly along the center line of Michigan street to the intersection of the center lines of Michigan street and Goodell street; thence westerly along the center line of Goodell street to the intersection of the center lines of Main street and Goodell street, the place of beginning.

#### SEVENTH WARD.

Beginning at the intersection of the center lines of Broadway and Bennett street; thence southeasterly along the center line of Bennett street to

the intersection of the center lines of Bennett street and William street; thence westerly along the center line of William street to the intersection of the center lines of William street and Pine street; thence southerly along the center line of Pine street to the intersection of the center lines of Pine street and Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Madison street; thence northerly along the center line of Madison street to the intersection of the center lines of Madison street and Broadway; thence westerly along the center line of Broadway to the intersection of the center lines of Bennett street and Broadway, the place of beginning.

#### EIGHTH WARD.

Beginning at the intersection of the center lines of Madison street and Broadway; thence southerly along the center line of Madison street to the intersection of the center lines of Madison street and Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Smith street; thence northerly along the center line of Smith street to the intersection of the center lines of Smith street and Broadway; thence westerly along the center line of Broadway to the intersection of the center lines of Broadway and Madison street, the place of beginning.

#### NINTH WARD.

Beginning at the intersection of the center lines of Broadway and Smith street; thence southerly along the center line of Smith street to the intersection of the center lines of Smith street and

Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Fillmore avenue; thence northeasterly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and Clinton street; thence southeasterly along the center line of Clinton street to the intersection of the center lines of Clinton street and Babcock street; thence northeasterly along the center line of Babcock street to the intersection of the center lines of Babcock street and William street; thence westerly along the center line of William street to the intersection of the center lines of William street and Fillmore avenue; thence northerly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and Broadway; thence southwesterly along the center line of Broadway to the intersection of the center lines of Broadway and Smith street, the place of beginning.

#### TENTH WARD.

Beginning at the intersection of the center lines of Fillmore avenue and Stanislaus street; thence southerly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and William street; thence easterly along the center line of William street to the intersection of the center of a line which would be formed by the extension of Milburn street; thence northerly along the center of said line and the center line of Milburn street to the intersection of the center lines of Milburn street and Broadway; thence southwesterly along the center line of Broadway to the New York Central belt line track (as now located); thence northerly along said belt

line track to the center of a line formed by the extension of Stanislaus street eastward to said belt line track; thence westerly along the center of said line and the center line of Stanislaus street to the intersection of the center lines of Stanislaus street and Fillmore avenue, the place of beginning.

#### ELEVENTH WARD.

Beginning at the intersection of the center lines of Broadway and Milburn street; thence southerly along the center line of Milburn street and the center of a line which would be formed by the extension of Milburn street to William street to the intersection of the center of said line with the center line of William street; thence easterly along the center line of William street to the intersection of the center lines of William street and Babcock street; thence southwesterly along the center line of Babcock street to the intersection of the center lines of Babcock street and Clinton street; thence southeasterly and easterly along the center line of Clinton street to the easterly boundary of the said city; thence northerly along the easterly boundary of said city to the intersection of said easterly boundary and the center line of Broadway; thence southwesterly along the center line of Broadway to the intersection of the center lines of Broadway and Milburn street, the place of beginning.

#### TWELFTH WARD.

Beginning at the intersection of the center lines of Main street and North street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Goodell street; thence easterly along the center

line of Goodell street to the intersection of the centerlines of Goodell street and Michigan street; thence southerly along the center line of Michigan street to the intersection of the center lines of Genesee street and Michigan street; thence northeasterly along the center line of Genesee street to the intersection of the center lines of Genesee street and Hickory street; thence northwesterly along the center line of Hickory street to the intersection of the center lines of Hickory street and Cherry street; thence northeasterly along the center line of Cherry street to the intersection of the center lines of Cherry street and Locust street; thence northerly along the center line of Locust street to the intersection of the center lines of Locust street and North street; thence westerly along the center line of North street to the intersection of the center lines of Main street and North street, the place of beginning.

#### THIRTEENTH WARD.

Beginning at the intersection of the center lines of North street and Locust street; thence southerly along the center line of Locust street to the intersection of the center lines of Locust street and Cherry street; thence southwesterly along the center line of Cherry street to the intersection of the center lines of Cherry street and Hickory street; thence southerly along the center line of Hickory street to the intersection of the center lines of Genesee street and Hickory street; thence northeasterly along the center line of Genesee street to the intersection of the center lines of Herman street and Genesee street; thence northerly along the center line of Herman street to the intersection of the center lines of

Herman street and Best street; thence westerly along the center line of Best street to the intersection of the center lines of Best street and Jefferson street; thence southerly along the center line of Jefferson street to the intersection of the center lines of Jefferson street and North street; thence westerly along the center line of North street to the intersection of the center lines of North street and Locust street, the place of beginning.

#### FOURTEENTH WARD.

Beginning at the intersection of the center lines of Genesee street and Ash street; thence southeasterly along the center line of Ash street to the intersection of the center lines of Ash street and Broadway; thence easterly along the center line of Broadway to the intersection of the center lines of Broadway and Sherman street; thence northerly along the center line of Sherman street to the intersection of the center lines of Sherman street and Genesee street; thence southwesterly along the center line of Genesee street to the intersection of the center lines of Genesee street and Ash street, the place of beginning.

#### FIFTEENTH WARD.

Beginning at the intersection of the center lines of Genesee street and Sherman street; thence southerly along the center line of Sherman street to the intersection of the center lines of Sherman street and Broadway; thence easterly along the center line of Broadway to the intersection of the center lines of Broadway and Fillmore avenue; thence northerly along the center line of Fillmore avenue to the intersection of the center



lines of Fillmore avenue and Stanislaus street; thence easterly along the center line of Stanislaus street and the center of a line formed by the extension of Stanislaus street to the New York Central belt line tracks; thence northerly along the said New York Central belt line tracks to the center line of Walden avenue; thence westerly along the center line of Walden avenue and Best street to the intersection of the center lines of Best street and Herman street; thence southerly along the center line of Herman street to the intersection of the center lines of Herman street and Genesee street; thence southwesterly along the center line of Genesee street to the intersection of the center lines of Genesee street and Sherman street, the place of beginning.

#### SIXTEENTH WARD.

Beginning at the intersection of the center lines of Genesee street and Doat street; thence southwesterly along the center line of Genesee street to the New York Central belt line tracks as now located; thence southerly along the New York Central belt line tracks to the center line of Broadway; thence easterly along the center line of Broadway to the east boundary of the said city; thence northerly along the easterly boundary of said city to the center line of Doat street; thence westerly along the center line of Doat street to the intersection of the center lines of Doat street and Genesee street, the place of beginning.

#### SEVENTEENTH WARD.

Beginning at the intersection of the center lines of Main street and Delavan avenue; thence southwesterly and southerly along the center line of

Main street to the intersection of the center lines of Main street and North street; thence easterly along the center line of North street to the intersection of the center lines of North street and Jefferson street; thence northerly along the center line of Jefferson street to the intersection of the center lines of Jefferson street and Delavan avenue; thence westerly along the center line of Delavan avenue to the intersection of the center lines of Main street and Delavan avenue, the place of beginning.

#### EIGHTEENTH WARD.

Beginning at the intersection of the center lines of Delavan avenue and Jefferson street; thence southerly along the center line of Jefferson street to the intersection of the center lines of Jefferson street and Best street; thence easterly along the center lines of Best street and Walden avenue to the intersection of the center lines of Walden avenue and East Parade avenue; thence northerly along the center line of East Parade avenue to the intersection of the center lines of East Parade avenue and Northampton street; thence westerly along the center line of Northampton street to the intersection of the center lines of Northampton street and Fillmore avenue; thence northerly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and Delavan avenue; thence westerly along the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Jefferson street, the place of beginning.

## NINETEENTH WARD.

Beginning at the intersection of the center lines of Delavan avenue and Fillmore avenue; thence southerly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and Northampton street; thence easterly along the center line of Northampton street to the intersection of the center lines of Northampton street and East Parade avenue; thence southerly along the center line of East Parade avenue to the intersection of the center lines of East Parade avenue and Walden avenue; thence easterly along the center line of Walden avenue to the New York Central belt line tracks as now located; thence northerly along the New York Central belt line tracks to the center line of Genesee street; thence northeasterly along the center line of Genesee street to the intersection of the center lines of Genesee street and Doat street; thence easterly along the center line of Doat street to the easterly boundary of the said city; thence northerly along the easterly boundary of said city to the center line of Delavan avenue; thence westerly along the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Fillmore avenue, the place of beginning.

## TWENTIETH WARD.

Beginning at the intersection of the center lines of Main street and Delavan avenue; thence easterly along the center line of Delavan avenue to the easterly boundary of the city; thence northerly along the easterly boundary of the city to the northerly boundary of the city; thence westerly along the northerly boundary of the city to the

intersection of the center line of Bailey avenue; thence northerly along the center line of Bailey avenue to the center lines of Bailey avenue and Main street; thence southwesterly along the center line of Main street to the easterly boundary of the city; thence northerly along the easterly boundary of the city to the northerly boundary of the city; thence westerly along the northerly boundary of the city to the center line of Delaware avenue; thence southerly along the center line of Delaware avenue to the center of Scajaquada creek; thence along the center of Scajaquada creek to the center line of Main street; thence along the center line of Main street to the intersection of the center lines of Main street and Delavan avenue, the place of beginning.

#### TWENTY-FIRST WARD.

Beginning at the intersection of the northerly boundary of the city and the center line of Delaware avenue; thence southerly along the center line of Delaware avenue to the center line of Scajaquada creek; thence westerly along the center line of Scajaquada creek to the westerly boundary of the state of New York, excluding any portion of Squaw island; thence northerly along the westerly boundary of the state of New York to the intersection of said westerly boundary and the northwesterly boundary of the city; thence northeasterly, southeasterly and easterly along the northerly boundary of the city to the intersection of the northerly boundary of the city and the center line of Delaware avenue, the place of beginning.

## TWENTY-SECOND WARD.

Beginning at the intersection of the center lines of Ferry street and Parkdale avenue (formerly called Preston street); thence northerly along the center line of Parkdale avenue (formerly called Preston street and Tryon place) to the intersection of the center lines of Parkdale avenue (formerly called Tryon place) and Forest avenue; thence westerly along the center line of Forest avenue to the intersection of the center lines of Forest avenue and Rees street; thence northerly along the center line of Rees street and the center of a line which would be formed by the extension of Rees street to Scajaquada creek to the intersection of the center line with the center line of Scajaquada creek; thence westerly along the center line of Scajaquada creek to the westerly boundary of the state of New York including Squaw island; thence southerly along the westerly boundary of the state of New York to a point on the center line of Albany street extended; thence easterly on the center line of Albany street extended and the center line of Albany street to the intersection of the centerline of Albany street and Hampshire street; thence northeasterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Ferry street; thence westerly along the center line of Ferry street to the intersection of the center lines of Ferry street and Parkdale avenue, the place of beginning.

## TWENTY-THIRD WARD.

Beginning at the intersection of the center lines of Main street and Scajaquada creek; thence westerly along the center line of Scajaquada creek to

the intersection of the center line of Scajaquada creek and the center of a line which would be formed by the extension of Rees street to the said creek; thence southerly along the center of said line and the center line of Rees street to the intersection of the center lines of Rees street and Forest avenue; thence easterly along the centerline of Forest avenue to the intersection of the center lines of Forest avenue and Parkdale avenue (formerly called Tryon place); thence southerly along the center line of Parkdale avenue (formerly called Tryon place and Preston street) to the intersection of the center lines of Parkdale avenue (formerly called Preston street) and Ferry street; thence easterly along the center line of Ferry street to the intersection of the center lines of Ferry street and Main street; thence northeasterly along the center line of Main street to the intersection of the center lines of Main street and Scajaquada creek, the place of beginning.

#### TWENTY-FOURTH WARD.

Beginning at the intersection of the center lines of Ferry street and Richmond avenue; thence southerly along the center line of Richmond avenue to the intersection of the center lines of Richmond avenue and York street; thence southwesterly along the center line of York street and Porter avenue to a point in the westerly boundary of the state of New York on the center line of Porter avenue extended; thence northerly along the westerly boundary of the state of New York to a point on the center line of Albany street extended; thence easterly on the center line of Albany street extended and the center line of Albany street to the

intersection of the center lines of Albany street and Hampshire street; thence northeasterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Ferry street; thence easterly along the center line of Ferry street to the intersection of the center lines of Ferry street and Richmond avenue, the place of beginning.

#### TWENTY-FIFTH WARD.

Beginning at the intersection of the center lines of Main street and Ferry street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Tupper street; thence westerly and northwesterly along the center lines of Tupper street and Twelfth street to the intersection of the center line of Maryland street; thence northeasterly along the center line of Maryland street to its intersection with the center line of Cottage street; thence northwesterly along the center line of Cottage street to its intersection with the center line of Hudson street; thence northeasterly along the center line of Hudson street to its intersection with the center line of Plymouth avenue; thence northwesterly along the center line of Plymouth avenue to the intersection of the center lines of Plymouth avenue and York street; thence northeasterly along the center line of York street to the intersection of the center lines of York street and Richmond avenue; thence northerly along the center line of Richmond avenue to the intersection of the center lines of Richmond avenue and Ferry street; thence easterly along the center line of Ferry street to the intersection of the center lines of

Main street and Ferry street, the place of beginning.

TWENTY-SIXTH WARD.

Beginning at the intersection of the center lines of Tupper street and Carolina street; thence southwesterly along the center line of Carolina street to a point in the westerly boundary of the state of New York on the center line of Carolina street extended; thence northwesterly along the the westerly boundary of the state of New York to a point on the center line of Porter avenue extended; thence northeasterly on the center line of Porter avenue extended and the center lines of Porter avenue and York street to the intersection of the center lines of York street and Plymouth avenue; thence easterly along the center line of Plymouth avenue to its intersection with the center line of Hudson street; thence southwesterly along the center line of Hudson street to its intersection with the center line of Cottage street; thence southeasterly along the center line of Cottage street to its intersection with the center line of Maryland street; thence southwesterly along the center line of Maryland street to its intersection with the center line of Twelfth street; thence southeasterly along the center line of Twelfth street and Tupper street to the intersection of the center lines of Carolina street and Tupper street, the place of beginning.

TWENTY-SEVENTH WARD.

Beginning at the intersection of the center lines of Main street and Tupper street; thence southerly along the center line of Main street to the center line of Buffalo river; thence along the cen-



ter line of Buffalo river to Lake Erie to a point in the westerly boundary of the state of New York opposite the mouth of Buffalo river; thence northwesterly along the westerly boundary of the state of New York to a point on the center line of Carolina street extended; thence northeasterly on the center line of Carolina street extended and the center line of Carolina street to the intersection of the center lines of Carolina street and Tupper street; thence easterly along the center line of Tupper street to the intersection of the center lines of Tupper street and Main street, the place of beginning.

§ 4. The copies of the records of certain streets, roads and highways of the city, which were formerly in the town of Buffalo, and which have been entered in a book of record of said city, and verified by the oath of Henry Lovejoy, surveyor, shall have the same force in evidence as the original. A certified copy of any record of any street or alley shall be presumptive evidence of the existence of the street or alley.

§ 5. The citizens of this state, who may from time to time reside in said city, shall continue to be a municipal corporation in perpetuity under the name of the "The City of Buffalo," and all property, rights and interests of whatsoever character possessed by it shall continue to be possessed, unaffected by the passage of this act. The corporation may take, purchase, hold and convey real and personal property. It may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks, gardens, and grounds for the burial of the dead, or other

public use, and for the erection of statues, monuments and public buildings, upon such terms as may be provided by the grantor or donor and accepted by the corporation; and it may provide for the proper execution of such trusts. The corporation shall have the exclusive power to establish ferries and tunnels within the city, and may license and regulate or prohibit those now established therein. Except as otherwise provided by law the city shall have full and exclusive control over its streets and highways, parks, public waters and other public places. It shall have power to lay out, enlarge and alter parks, markets, public grounds, public waters, construct pavements, sidewalks, culverts, drains, sewers, aqueducts, wharves, canals, slips, basins, water mains, gas mains and conduits; it may construct and operate waterworks and asphalt, lighting, heating and power plants for the city; it shall maintain fire, police, poor and school departments, and it may establish a system of pensions in such police, fire and school departments, and regulate existing systems therefor. It may acquire land by purchase, gift or eminent domain, for any municipal purpose, and erect buildings and other structures, including one or more buildings to be used for public assembly, and do any thing necessary to beautify the city or preserve or add to the safety, intelligence, comfort and well-being of the city and its inhabitants. It may do everything necessary to carry into effect the powers granted to it and the duties imposed upon it, except as may be otherwise provided by law.

## TITLE II.

## THE LEGISLATIVE DEPARTMENT.

## ARTICLE I.

## THE COUNCIL.

§ 10. The legislative power of the city shall be vested in a board to be known and styled as "The Council of the City of Buffalo." The council shall consist of the mayor and four councilmen, who shall be chosen as provided in this act, and whose terms of office shall be four years, save that of the four councilmen first elected hereunder, the one receiving the least number of votes shall continue in office for two years, and the other three shall continue in office for four years. Each member of the council shall have the right to vote on all questions coming before it. Three members of the council shall constitute a quorum, and the affirmative vote of three members shall be necessary to adopt any motion, resolution or ordinance, or to pass any measure, unless a greater number is required by the provisions of this act. The council herein provided for shall be considered for all purposes the common council of the city. The salary of the mayor shall be eight thousand dollars per year, and the salary of each of the councilmen shall be seven thousand dollars per year.

§ 11. Meetings of the council shall be public; stated meetings thereof shall be held at such times as the council shall prescribe by ordinance. Upon every vote of the council the ayes and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and

read before the vote thereon is taken. The mayor shall preside at all meetings; he shall have no power of veto. In the absence of the mayor the council may choose a temporary chairman. Every resolution or ordinance passed by the council must be signed by the mayor, or by two councilmen, and must be properly recorded before the same shall be in force. The council shall keep a journal of its proceedings, and shall either publish the same in the official paper, or shall provide by ordinance for their publication as provided in section twenty-six hereof.

§ 12. Special meetings of the council may be held upon call of the mayor and also as may be provided by rule. Notice of all special meetings shall be given by delivering personally to each member, or leaving at his residence, at least six hours before such meeting, a written notice thereof, signed by the person or persons calling the same. Such notice shall specify the object of such meeting, and no other business shall be transacted except upon unanimous consent of all the members of the council.

§ 13. The council shall, in addition to the authority conferred under general laws, from time to time enact ordinances:

(1) To define and prevent disorderly conduct; to prevent all disorderly assemblages, all disturbing noise, all drunkenness in public places; and to punish vagrants, beggars and disorderly persons as defined by law.

(2) To preserve and protect the harbors, canals, basins and other waters of the city; to prevent all encroachments, obstruction, and deposits in

them; to prohibit or regulate bathing or swimming in any waters in the city; to prevent any steam vessel, while navigating waters, within the city, from emitting dense smoke, soot or dust within the city limits; to regulate and prescribe the mode and speed of vessels, boats and floats in entering and leaving them, and in coming to, lying at or departing from the wharves and piers, and the disposition of the sails, yards, anchors and appurtenances; and to empower such officer as it may designate to prescribe and regulate the location therein of all vessels, boats or floats, and to compel them to change their location.

(3) To prescribe general regulations for the erection of all buildings in the city; to define the limits within which wooden buildings shall not be erected, placed or rebuilt, and the manner in, and materials of which all buildings shall be constructed within such limits, also to define outer limits in which wooden buildings may be constructed, placed or rebuilt, under such regulations as may be imposed by ordinance, special permission from the council being required therefor; every building erected or placed contrary to any ordinance passed under the above provisions shall be deemed a common nuisance, and may be abated as such. A resolution granting special permission to erect, place or rebuild any building within the outer limits contrary to such ordinances can only be passed at a regular meeting, and by the unanimous vote of the members of the council present. To prevent all unsafe construction or condition of chimneys, flues, stoves, pipes and other things used for fire or conducting smoke; to compel the cleaning of them, and to regulate their construction and condition; to prevent the deposit of ashes in un-

safe places and receptacles; to regulate the use of lights in buildings in which combustible articles may be deposited; to regulate the carrying on of manufactories liable to cause fires, and to regulate and prevent the use of fireworks and firearms in the city; to prevent bonfires in the streets and public grounds; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same, and to require fire-escapes to be placed upon buildings when, and as directed by the superintendent of the department of public safety; to punish the willful making of a false alarm of fire, or willfully calling a police patrol wagon without cause; and to prohibit the formation of fire, hose or hook and ladder companies.

(4) To license and regulate cartmen, porters, owners and drivers of all vehicles used for the transportation of passengers or property for hire, and persons or corporations offering or supplying messenger service, and to fix the rates of compensation to be taken by them; to license and regulate plumbers, auctioneers, butchers, hawkers, peddlers, junkdealers, dance halls, dancingschools and other entertainments of like character, pawnbrokers, and the business of pawnbrokerage, and to fix the rates to be charged by pawnbrokers in their business; to regulate the running at large of dogs, and to license the same; to prohibit, license or regulate public billiard rooms, bowling alleys, runners or solicitors for houses of entertainment, railroads, vessels and vehicles, and the exhibition of shows of every kind, and of theatrical representations, and to prescribe the terms and conditions on which licenses shall be granted; to impose and levy a tax upon the owner or owners of hackney

carriages, sleighs, cabs, coupes, private carriages, barouches, buggies, wagons, omnibuses, carts, drays, baggage wagons, bicycles, tricycles, and similar vehicles, or any other vehicle other than motor vehicles, for the privilege of operating, driving or propelling the same along or upon the public streets, avenues, highways and other public places in the city of Buffalo; to fix the amount of such tax, and to prohibit the use of the public streets, highways, avenues or other public places of the city by the owner or owners or driver or drivers of any such vehicle in the event of any tax so imposed not being paid, and to fix and provide such penalty or penalties as it shall deem proper for a violation of any such ordinance.

(5) To prohibit or regulate the use of locomotive engines, and of steam, and to regulate other motive power and speed on any portion of any railroad within the city; to require any railroad company to keep a flagman or gates at each railroad crossing of a public street, to provide for the inspection of steam engines and boilers used in the city, and to prohibit the use of unsafe ones, and to prohibit any person who has not been duly licensed under such regulations as the council may prescribe, from running any steam engine, stationary or otherwise, in the city, except the engineers of duly incorporated steam railroads (while engaged in operating or running the locomotive engines of said railroads) and engineers duly licensed by the authorities of the United States (while engaged in operating or running engines upon the waters under the jurisdiction of the United States or of the state of New York); to classify such engineers and to provide for the appointment by the mayor of such inspector, examiners and em-

ployees as may be required to carry out such ordinance; to prohibit or regulate the keeping and conveying of gunpowder and other explosive substances, and other dangerous fluid or material, and to provide for the inspection, forfeiture and destruction of the same, to require that the telegraph, telephone or electric light wires or cables, or other appliances for conducting electricity, and the poles thereof heretofore erected in any street, alley or public ground, be removed from overhead in the street, alley or public ground, or any part thereof, within reasonable time, not less than six months after the enactment of such ordinance; and a compliance with such ordinance in respect to the removal of poles, cables, wires and other appliances for conducting electricity from the streets, alleys, and public grounds, may be enforced by mandamus by any court of competent jurisdiction upon the application of the city as relator. Any company, corporation or individual may place its wires and electrical conductors in conduits under the surface of the streets, alleys or public grounds in such manner as not to interfere unnecessarily with the use of such streets, or alleys or public grounds for local improvements of any character, or with the sewers, or water or gas mains, or branches thereof, subject, however, to such regulations and restrictions as the council may by ordinance make or impose in respect thereto for the benefit of the public, the city or its citizens; provided, however, that nothing herein contained shall be construed as authorizing the council to require any particular patent or appliance to be used in the construction of the conduits hereinbefore provided for. And any company, corporation or individual so placing its wires under



ground in any street, alley or public grounds of said city, shall, upon notice from the city or any of its departments, that a local improvement or sewer or water main, or branch thereof, is to be constructed in such a manner as will necessitate the moving or altering of the conduit or conduits of said individual, company or corporation, shall move or alter the same at its own expense, so as to permit the construction of the improvement where ordered, and should any person, company or corporation omit to comply with such notice, the conduit or conduits may be altered or moved by the city and the cost and expense thereof recovered from such individual, company or corporation. To regulate the erection of telegraph, electric light or telephone wires, poles or cables, and other electrical conductors, and to require that such wires, cables or other electrical conductors be placed under ground, subject to such restrictions and regulations as it may make by general ordinance. But nothing in this section contained shall affect any grant or consent heretofore or hereafter made or given pursuant to general laws, as to any matter provided for in and by such grant or consent.

(6) To prevent and abate nuisances; to prohibit or regulate the blowing of steam whistles, and the ringing of bells; to regulate or prohibit public pumps, wells, hydrants and reservoirs, and the use of them; to prevent the waste of water; to require the use of water meters; to establish and maintain public baths; to establish and regulate public markets; to locate, regulate and remove slaughterhouses, butchers' stalls, fish stands, livery stables, tanneries, and unwholesome or noisome buildings or places, and to com-

pel the cleaning of the same whenever necessary; to regulate the construction of private and public sewers, sinks and privies, and the sale of meats, fish and vegetables; to prevent the sale for domestic use of unwholesome articles of food, and of ice frozen from dirty or impure water; and to provide for the removal or destruction thereof whenever necessary; to prevent the adulteration of any article used for food or drink, and provide for inspection thereof; to locate and regulate dead-houses; to prescribe limits within which there shall be no burials or incinerations of the dead; to purchase and maintain burial grounds; to regulate burials, incinerations, and funerals; to compel the keeping and return of bills of mortality, births and marriages.

(7) To prevent the encroachment upon, projections over, injury to, or the incumbering of streets, alleys, wharves and public grounds; to light, to clean, and to water them; to regulate the use of them, and to declare in what manner, and for what purpose they shall not be used; to prohibit the running at large of horses, cattle, swine, sheep, goats, and geese, or the pasturing of them on the streets, or public grounds, and to authorize the distraining, impounding, and sale of them for the penalty and cost of proceedings; to direct and to regulate the planting, care and protection of trees in the public places and streets and to spray trees on land contiguous thereto and to protect them from injury; to compel the owners of lands to destroy noxious weeds growing thereon; to compel the owner of vacant lands to fence or inclose them; to compel and regulate the numbering of buildings, and the naming of streets and alleys; to prevent and punish fraud in sales

by weight and measure; to enact such ordinances as it may deem necessary for the use, regulation, protection and government of the parks and park approaches.

(8) To require bonds or undertakings to be given by the officers of the city and their deputies, and to fix the amount thereof.

(9) For the protection of the public health, for securing the proper registration of births, marriages, deaths and such other statistical information as may be necessary for the efficient working of the department of public safety. Whenever the health commissioner shall declare that rabies is prevalent in the city or in the vicinity thereof, to prescribe the conditions under which dogs may be kept, brought or allowed to be within the city, and providing for the destruction of dogs suffering from rabies and to prevent the spread of the disease; and in addition to the other penalties prescribed for the violation thereof such ordinances may further provide that any dog kept, brought or being within the city contrary to the provisions thereof, shall be a public nuisance and a menace to the public health and may be destroyed or otherwise disposed of as prescribed in such ordinances.

(10) To prescribe the duties of all officers or persons elected or appointed under this act, not herein prescribed, to prescribe methods of auditing and paying any and every indebtedness of the city and any and every claim against the city; to prescribe the manner in which and the purposes for which the moneys annually appropriated may be used; to prescribe the methods by which the city may incur indebtedness; to prescribe the

methods by which each and every official or person in the employ of the city shall keep or assist in keeping account of the receipts and disbursements of moneys belonging to the city, and of work done for or supplies or materials furnished to the city; any provision of this act to the contrary notwithstanding.

(11) And such other and further ordinances not inconsistent with the laws of the state, as shall be deemed expedient for the good government of the city, the protection of its property, the preservation of peace and good order, the suppression of vice, the benefit of trade and commerce, the preservation of health, the prevention and extinguishment of fires, the exercise of its corporate powers, and the performance of its corporate duties.

The ordinances of the city in force at the time this act takes effect, and which are not inconsistent herewith, including such ordinances as have been enacted by the park commissioners, are hereby continued in force and effect as though duly passed by the council, until such time as they may be by the said council altered, amended or repealed; whenever the words "common council" or "council" are used in any such ordinances the same shall be construed to mean the council created by this act. The council shall adopt ordinances regulating the methods of conducting all of the city departments provided for in this act.

§ 14. All ordinances hereafter enacted shall be published in the official paper daily for one week. An ordinance imposing a penalty or fine shall not take effect until ten days after its first publication in the official paper.

§ 15. (1) A fine or penalty for violating any ordinance enacted under the authority conferred by this act may be prescribed in the ordinance not exceeding two hundred and fifty dollars. The ordinance may prescribe that the fine or penalty for its violation shall not be less nor more than a certain sum, in which case the amount of penalty or fine shall within said bounds be fixed by the court or officer before whom the matter shall be tried. A civil action may be maintained to recover a fine or penalty imposed by any ordinance enacted under the authority conferred by this act.

(2) An ordinance passed to prevent disorderly conduct or assemblages, disturbing noise, and drunkenness in public places, and to punish vagrants, beggars, and disorderly persons as defined by law, may provide that any person, upon conviction of a violation thereof, shall be fined or committed to the Erie county penitentiary for such time as the court or officer before whom such person was convicted shall fix, not exceeding six months; in case the person convicted of such violation is fined and does not immediately pay such fine or penalty he may be committed to the Erie county penitentiary for the term of one day for each and every dollar of said fine or penalty not paid. Such ordinance may authorize the arrest, by any person, without process, of anyone violating or attempting to violate such ordinance, in the presence of such person.

(3) Actions to recover fines or penalties incurred under this title or the ordinances enacted pursuant to it shall be brought in the name of the city. In the complaint in such action it shall be sufficient to allege, generally, that the defendant

has violated the provisions of said title or ordinance, setting forth the facts constituting the alleged violation and the amount for which judgment is demanded. The defendant may deny that he is guilty and give in evidence any special matter under such denial. If the action be brought in the city court of Buffalo, the first process may be a warrant or a summons. If a summons, it may be returnable in not less than one or more than six days, and shall be served at least one day before the time of appearance mentioned therein.

(4) Execution upon a judgment for a fine or penalty may be issued immediately, and shall command the officer to whom it shall be directed and delivered, if the judgment and his fees shall not be immediately paid, to take the body of the defendant and deliver him or her, with a copy of the execution, to the keeper of the Erie county penitentiary; and said keeper shall confine such defendant in said penitentiary for the term of one day for each and every dollar unpaid upon said judgment, not exceeding six months; except that in cases where a judgment for a fine or penalty is recovered against a corporation an execution against the property of such corporation may be issued for the collection of the amount of such judgment and costs.

(5) When an ordinance provides that a person convicted of a breach of it may be sentenced to confinement in the penitentiary, the person charged with a violation of such ordinance shall be proceeded against in the way provided by law for proceeding against persons charged with the commission of a criminal offense.

§ 16. Whenever the owner or occupant of any lands shall omit to do any act required by ordinance to be done by him in front of or upon such lands, the city may cause such act to be done, and, in addition to the fine, may recover by action, of such owner or occupant, the cost of doing the act, or may assess the same upon such lands.

§ 17. The council may, by a vote of four-fifths of its members, authorize the mayor to offer a reward for the apprehension of the perpetrator of crime committed within the city, or an offender against an ordinance, to be paid upon the conviction of such person.

§ 18. No liability for the breach of any bond or undertaking required by this act shall be released. Other liabilities to the city may be released by a resolution of the council passed by a unanimous vote; fines and penalties incurred under this title or under any ordinance may be released or remitted by a resolution of the council passed by a vote of four-fifths of its members.

§ 19. Whenever any building, fence or other structure of any kind, or any part thereof, is liable to fall down, and injure persons or property, the council may order the owner of the building, fence or structure, or the owner or occupant of the premises on which said building, fence or other structure stands, to take the same down, or any part thereof, within such time as it may direct. In case the order be not complied with it may cause the removal to be made, and the expense to be assessed on the land on which the structure stood.

§ 20. The council, or the mayor, shall have the power to issue subpœnas for witnesses to appear, or to produce books and papers before it or him, to administer oaths to witnesses, and to examine them, and such books and papers. If any person duly subpœnaed as a witness should not appear, or, appearing, shall refuse to testify, or to produce any such books and papers, the council, or the mayor, may report the failure of the witness to appear, or his refusal to testify, or to produce such books and papers, to any court of record or judge thereof, and said court or judge may make such order as shall be proper as to the future appearance of the witness, for the purpose of giving testimony and for the production of any such books and papers, and may after due notice and opportunity to be heard, punish him for any failure to comply therewith as a contempt of court. Like power and authority to issue subpœnas and to require the giving of testimony, and the production of books and papers, are hereby conferred upon each of the councilmen with reference to such matters as shall affect the department of which he is superintendent and with like punishment in case of refusal. Any willful and corrupt false swearing as to any material fact upon any such examination shall be deemed perjury, and punished as provided by law for such offense. The evidence given by persons so examined shall not be used against them in any criminal proceeding.

§ 21. The council shall appoint and may at pleasure remove a city clerk, who shall have such powers and shall perform such duties as the council may from time to time prescribe in addition to such powers and duties as may be especially pro-



vided by law. The same person may be also the secretary of the council.

§ 22. The city clerk shall make and sign a record, in a book to be provided for that purpose, of every ordinance enacted by the council, and of the time of its first publication; and such record, or a copy thereof authenticated by the mayor under the seal of the city, shall be presumptive evidence of the due passage of such ordinance, of the due publication thereof, and of the time of its first publication. Printed books of the ordinances published or purporting to have been published by the order of the council, shall be presumptive evidence of such ordinances; and that they have been regularly enacted and published, as required by this act, prior to the printing of them in such book.

§ 23. If a vacancy exist or occur in the office of mayor or councilman, the remaining members of the council shall elect a person to fill such vacancy, until the next general election at which a mayor or councilman can be elected, at which time the vacancy shall be filled by election for the unexpired term.

§ 24. Each member of the council, before entering upon his office, shall subscribe and take the oath of office prescribed by the constitution, and file the same, together with the bond or undertaking required of him, with the city clerk. If any such member shall neglect to take and file with such clerk his oath of office, or such bond or undertaking, before or within fifteen days after the commencement of his term of office, his office shall be vacant.

§ 25. The city clerk, under the direction of the council, prior to the fifteenth day of December in each year, shall give notice to the publishers of the daily papers, published in the English language in the city, that sealed proposals will be received by the council, at its next session after the giving of such notice, for publishing all matters, required by law or the ordinances to be published in the official paper, and the printing and binding of the minutes of the proceedings of the council for the ensuing year, showing the number of copies and the style of printing and binding required. The council shall award the contract to the lowest responsible bidder and the paper in which publication is made shall be the official paper of the city. The compensation paid for such publication shall not exceed the rates allowed by law at any time for the publication of legal notices. When any publication shall be commenced in the official paper, the publication shall be completed by it with the like effect as if it were the official paper.

§ 26. The council may, at any time, in its discretion, provide by ordinance for the publication of a City Record, at such periods and with such provisions for its distribution as may be in such ordinance provided. The journal of the proceedings of the council, and the quarter yearly report of the city's financial operations required to be published in section fifty-one of this act, may be published in the City Record, instead of the official paper, and it may also contain such reports of city departments and such other matters as may be provided in the ordinance. In the discretion of the council, the proposals under the preceding section may be required to be submitted in separ-

ate form, so that the proposal for publication shall be separated from proposals for printing; and the council may also receive bids from printers for such printing, and bids may be also received for all other city printing including the publication of a City Record.

## ARTICLE II.

### THE REFERENDUM.

§ 31. No ordinance passed by the council, unless otherwise required by the general laws of the state or by the provisions of this act, or an ordinance immediately necessary for the preservation of the public peace, health or safety, and which contains a statement of its immediate necessity and is passed by a four-fifths vote of the council, shall go into effect until thirty days from the time of its final passage. If at any time during said thirty days a petition, signed by electors of the city equal in number to at least five per centum of the entire vote cast for all candidates for mayor at the last preceding election at which a mayor was elected, protesting against the enactment of such ordinance, and requesting its repeal, be presented to the council, or to the mayor, or to the city clerk, such ordinance shall thereupon be suspended from going into effect, and it shall be the duty of the council to reconsider such ordinance. If upon reconsideration thereof said ordinance is not repealed, the council shall within twenty days after the presentation of such petition call a special election, unless a general election is to be held within ninety days thereafter, and at such special or general election submit the

question of the repeal to the vote of the electors of the city. Such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same at such election shall vote against the repeal thereof. Each of the signers to the petition provided for in this section shall add to his signature his place of residence, giving the street and number. Such petition may be in the form of separate papers, but each separate paper to which signatures are appended shall contain at the top thereof the original petition or a duplicate statement thereof, and when bound together and offered for filing, such separate papers shall be deemed to constitute one petition. One of the signers of the petition shall make oath before an officer competent to administer oaths that such statements therein made are true as he believes, and upon each separate paper to which signatures are appended, one of the signers of the petition shall make oath that to his knowledge each signature to such paper is the genuine signature of the person whose name it purports to be. The commissioner of elections shall cause such ordinance to be published once in each of the daily newspapers published in said city; such publication to be not more than twenty or less than five days before such election. The ballots used when voting upon such ordinance shall be printed in the manner provided by section three hundred and thirty-two of the election law. Any number of ordinances may be voted upon at the same general or special election in accordance with the provisions of this section, but there shall not be more than one special election held in any period of six months for such purpose. No resolution of the council, appropriating

money other than for the regular payrolls, or resolution incurring or providing for the incurring of any expenses, or disposing of any property or rights of the city, shall become effective until thirty days from its adoption; and its operation shall be suspended, and it shall be reconsidered and submitted to the electors, in the same manner as in this section provided for the suspension, reconsideration, and submission of an ordinance.

§ 32. Every proposed ordinance (except an ordinance which shall state that it is immediately necessary for the preservation of the public peace, health or safety), and every proposed resolution appropriating money (except for the regular payrolls), or ordering any improvement, or granting or authorizing any franchise, or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be presented to the council in open meeting, shall be read and spread upon the minutes, and shall then remain on file with the city clerk for public inspection at least one week, and be published in the official paper at least three times before the final vote of the council upon its adoption.

§ 33. No franchise or permission to occupy or use any of the streets, highways, bridges or public places of said city by a person, firm, corporation or association for the purpose of installing or extending a system of waterworks, gas, electric light or power, heating, telegraph, telephone, railway (whether street, surface, overhead or underground), or any public service utility that requires the occupation of any such highway or other public place, shall be valid until it has been

granted by the council, and has been thereafter approved by a majority of the electors voting thereon at a general election, or at a special election to be ordered by the council. The cost of any such special election shall be borne by the person, firm, corporation or association seeking the franchise. Provision for such a special election shall be made by the council by ordinance, except in so far as may be especially provided by the election law, or by this act, and any such election must be held upon a date to be fixed by the council not less than thirty nor more than forty days after it shall have been ordered.

§ 34. The preceding section shall not be construed to include permits for the construction of switches or sidings. The council may grant such permits but only upon the express condition that any such permit is a mere license and subject at any time to revocation or change without compensation therefor, that the licensee will immediately upon any such revocation or change remove or alter such switch track or siding to comply therewith, and will replace in good condition any street or public place affected thereby; each such permit shall contain a further condition that the person or corporation constructing the switch or siding and all persons benefited thereby, shall have no claim upon the city for any damage which may be caused by reason of any change of grade in such switch track or siding, whether such change of grade shall be directly ordered or made necessary by the alteration of another track. The council shall have the power to add to any such permit such further conditions as may be deemed desirable for the protection of the interests of the city.

## TITLE III.

## THE EXECUTIVE DEPARTMENT.

§ 40. The executive and administrative powers of the city are hereby vested in the council; it shall have and possess all the powers of, and shall either perform, or supervise and provide for the performance of all the duties heretofore imposed upon the mayor, the various city departments, city boards, and commissions, the heads of city departments and all other officers of the city whether elective or appointive, excepting the city court, the children's court, the judges and officers thereof, and the civil service, railroad terminal and grade crossings commissions. The deposit and disbursement of all money belonging to the city shall be made as directed by the council, and payment to the city of any money due to it for any cause shall be made as provided by ordinance.

§ 41. The executive and administrative powers hereby conferred upon the council may in its discretion be exercised through the five following city departments:

1. Department of public safety.
2. Department of finance and accounts.
3. Department of public affairs.
4. Department of public works.
5. Department of parks and public buildings.

The council shall determine and prescribe the jurisdiction and duties of each department, and the powers and duties of the officers and employees therein, except as may be especially provided for in this act, and shall make such rules and regula-

tions for the conduct of each department as it may deem desirable to secure efficiency and economy.

§ 42. The mayor shall be superintendent of the department of public safety, which shall include the subordinate departments of police, fire and health. It shall be the duty of the mayor to acquaint himself with the conduct of each of the other city departments, and from time to time to report thereon to the council, with such recommendations as he may deem advisable for the purpose of promoting efficiency and economy therein. He and each councilman shall have access to all records, books and documents in any department or office. The mayor shall have the custody of the seal of the city, and shall authenticate the acts of the council, and all instruments and papers authorized so to be authenticated. The mayor shall issue all licenses authorized by the ordinances, except as in this act or in the ordinances otherwise provided.

§ 43. The council shall, at its first regular meeting after election of its members, designate one councilman to be superintendent of the department of finance and accounts; one to be superintendent of the department of public affairs; one to be superintendent of the department of public works; and one to be superintendent of the department of parks and public buildings. Such designations may continue through the terms of office of such councilmen, but shall be changed whenever it appears to the council that the public service will be benefited thereby.

§ 44. The council first elected under this act shall, at its first meeting, or as soon as practicable thereafter on the nomination of the mayor ap-



point the following officers: a corporation counsel, superintendent of education, assessor or assessors, street commissioner, water commissioners, building commissioner, health commissioner, chief of fire department, chief of police, superintendent of markets, superintendent of the poor, members of the board of education, city engineer, city treasurer, and city auditor; and shall also appoint such other officers and deputies on the nomination of the councilman at the head of the department affected as shall be provided for by ordinance and in the judgment of the council necessary to the proper and efficient conduct of the affairs of the city; save, however, as such officials are hereby continued in office under section three hundred and ninety-seven. Any officer or employee appointed by the council may be by it removed from office, except as provided by law, and his successor appointed by it at any time. Vacancies shall be filled by the council. The council may by ordinance vest in the head of any department the appointment of such subordinates not herein named specifically as it deems advisable.

§ 45. All appointments, promotions and changes of status of persons in the public service of the city shall be made in the manner prescribed by the constitution of the state, and in accordance with the provisions of the state civil service law. The council shall appoint the municipal civil service commissioners in accordance with the provisions of section eleven of the state civil service law. The powers and duties of such commissioners shall be as in said act provided, and they shall hold office for a term of four years unless removed by the council upon charges and after a hearing.

§ 46. The council shall fix by ordinance the salary or compensation to be paid to the several officers and employees of the city and the time when the same shall be paid. Such salary or compensation shall be fixed before their appointment. No extra compensation shall be granted to any officer or employee, or to any contractor.

§ 47. Each of the officers of the city, including the mayor and each councilman, shall execute and file with the city clerk a bond or undertaking with sufficient sureties, in such sum as shall be fixed by ordinance, conditioned for the faithful performance of the duties of their respective offices, and for the accounting and payment to the city of all moneys belonging to the city received by them, and with such other conditions as may be required by ordinance. Whenever required so to do by the council, any such officer shall execute and file a new bond or undertaking. The cost of a bond of a surety company given by the mayor or any councilmen shall be borne by the city.

§ 48. If the mayor or any of the councilmen shall be unable to perform the executive and administrative duties of his office in consequence of sickness or temporary absence, the council may designate one of its members to act in his place, and the member so designated shall perform such executive and administrative duties of such absent or disabled officer until he shall resume them.

§ 49. The council shall provide the different departments with suitable rooms and accommodations, and shall define the jurisdiction of each department save as herein specifically provided.

§ 50. No contract the expense of which shall exceed the sum of one thousand dollars shall be made by the council, or any of the city departments, or any officer thereof, unless there shall have been published a notice in the official paper and two other daily papers in the city at least twice a week for two weeks, inviting sealed proposals for the same, according to plans and specifications to be filed in the office of the department or officer having charge of the work; and the contract shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to the council, department or officer. There shall be no unnecessary division of any contract designed to evade the foregoing requirements as to advertising. No contract for the doing of any work or the making of any improvements for a price exceeding one thousand dollars, the expense of which is to be repaid to the city by means of local assessment, shall be entered into until the assessment therefor has been confirmed, except as otherwise provided in section one hundred and forty-three hereof, and except that the city may enter into contracts for doing of work necessary to put, keep and maintain the Buffalo river and all navigable waterways within the said city in good condition for all authorized purposes and may undertake and perform all such work before the assessment therefor has been confirmed. No work or improvement specified in this act, except the grading or regrading, graveling or regraveling, macadamizing or remacadamizing, or paving or repaving of any street or alley, the expense of which shall be estimated to exceed one thousand dollars, shall be ordered unless by a vote of four-fifths of the

members of the council after publication in six successive numbers of the official paper of the city of notice of intention to order such work or improvement. The provisions of this act or of law requiring advertisement for bids or proposals, or the awarding of contracts, for work to be done or supplies to be furnished for any of said departments shall not be applicable to public work which may be done or to the supplies which may be furnished under the provisions of the prison law.

§ 51. The council shall publish quarter-yearly in the official paper a full, clear and complete statement of the financial operations of the city during the preceding quarter, which shall show the amount of all taxes and other revenues collected, and the amount and general character of the disbursements made, during such period.

## TITLE IV.

### ELECTIONS.

#### ARTICLE I.

##### DESIGNATION OF CANDIDATES FOR NOMINATION FOR MAYOR AND COUNCILMEN.

§ 70. The mayor and councilmen shall be nominated and elected as provided in this title, and the provisions of the election law shall apply in so far as they are not inconsistent with this act; judges of the city court of Buffalo and the children's court, and supervisors, shall continue to be nominated and elected as now provided by law.

§ 71. Candidates for nomination for the office of mayor or councilmen shall be designated only as herein provided; they may be designated by the filing of a petition with the commissioner of elections of Erie county; every such petition shall be filed at or before five o'clock in the afternoon of the fourth Tuesday preceding the primary election at which the candidates for nomination therein designated are to be voted for. All petitions shall at the time of the filing thereof be stamped or indorsed by the board of elections with the day, hour and minute of such filing.

§ 72. Every such petition shall be in substantially the following form:

I, the undersigned, do hereby certify that I reside at the place stated opposite my signature, and that I am an enrolled elector of the state, duly qualified to vote at the next succeeding primary election in the city of Buffalo, in the election district and ward as herein below specified opposite my signature; that I do hereby designate the following named person or persons as a candidate or candidates for nomination for office to be voted for at the next succeeding primary election to be held on the                      day of                      A. D.

Name of Candidate	Place of Residence	For What Office
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

I do hereby appoint (here insert the names and residences of at least three persons) as a commit-

tee to fill vacancies in accordance with the provisions of the charter of the city of Buffalo.

In witness whereof I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Residence	Election Dis't	Ward
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

State of New York,                    }  
 County of Erie,                        }  
 City of Buffalo,                        } ss.

.....being duly sworn, says that he is over the age of twenty-one years and resides at (insert street and number of residence if any) in the city of Buffalo; that the persons whose names are subscribed to the pages numbered of the foregoing petition are severally personally known to him, and known to him to be the persons who subscribed the foregoing petition; that they each signed such petition in his presence on the dates set opposite their respective names, and with full knowledge of the contents thereof, and that he believes their respective residences and places of enrollment are correctly set forth.

.....  
 Subscribed and sworn to before me  
 this            day of            A. D.,

.....

.....  
 (title of officer taking oath)

§ 73. Such petition shall be signed by not less than three hundred qualified electors; such petition shall not be deemed irregular because of the failure of any signer thereof to state thereon his election district or ward, or because of an incorrect statement by any signer of his election district or ward.

§ 74. All papers signed and verified in the manner and form substantially as above prescribed, for the purpose of designating the same candidate or candidates for the same office or offices, shall, when bound together and offered for filing, as provided in this article, be deemed to constitute one petition with respect to such candidate or candidates.

§ 75. An enrolled elector who shall have signed a petition designating a candidate for nomination for the office of mayor, or who shall have signed a petition or petitions designating therein as many candidates for councilmen as there shall be vacancies in such office required to be filled at the next succeeding general election, shall not sign any other petition designating any other candidate for the same office to be voted for at the same primary. In case of a violation of the provisions of this section, an elector's signatures, in excess of the number allowed, shall be disregarded, but the signature or signatures of such elector shall be counted upon the petition or petitions whereon his signature bears the earliest date or dates until the limit of his right to designate has been reached.

§ 76. Within ten days after the expiration of the time for the filing of such petitions the board

of elections shall publish in all the daily newspapers of the city for three successive days the names of all the persons designated as candidates for nomination in petitions which are in proper form and have the requisite number of qualified signers, specifying which of said persons have been designated as candidates for the nomination for mayor, and which for the nomination for councilmen. There shall be prefixed to the list of names a statement of the day upon which the primary election will be held, and each office for which nominations will be made at such primary election, and a further statement that petitions have been filed with the commissioner of elections designating such persons as candidates for nomination for the respective offices.

§ 77. Any question arising with reference to the sufficiency of any petition filed with the board of elections shall be determined by them in the first instance within five days after such filing; their determination shall be made in writing, and a copy thereof shall be sent forthwith by mail by such board to the members of the committee to fill vacancies, if any, named upon the face of the petition, and also to each person designated in the petition as a candidate, who is affected by such determination. The supreme court or any justice thereof within the eighth judicial district, or the county judge of Erie county, shall have summary jurisdiction upon complaint of any elector to review the determination and acts of the board of elections, and to make such order in the premises as justice may require, but the final order must be made at least five days before the date of the primary election.



§ 78. If a person, who has been duly designated as a candidate, declines such designation, in a writing signed by him and duly acknowledged and filed with the board of elections at least twenty days before the primary election, or if a person regularly designated as a candidate dies before the primary election, the committee appointed on the face of the petition for the designation of such person may make a new designation, by making and filing with the board of elections a certificate setting forth the cause of the vacancy, the name of the person designated by the committee and the name of the person originally designated; such certificate shall be subscribed and acknowledged by a majority of the members of the committee, and the members of the committee subscribing the same shall make oath, before the officer or officers before whom they severally acknowledged the execution of the said certificate, that the matters therein stated are true to the best of their information and belief. Such certificate must be filed with the board of elections at least fifteen days before the primary election, in case the designation made by petition has been declined. If the person originally designated has died after the ballots have been printed, pasters must be prepared and furnished as provided in section one hundred and thirty-seven of the election law.

## ARTICLE II.

### REGISTRATION OF ELECTORS, AND PRIMARY ELECTION FOR NOMINATION OF CANDIDATES FOR MAYOR AND COUNCILMEN.

§ 79. On the third Tuesday before the general election in the year hereinafter specified in this

act, and on the like Tuesday in every second year thereafter, there shall be held a primary election for the purpose of nominating the candidates for mayor or councilmen, or both, for a term of office commencing on the first day of January next succeeding. The polls of every such primary election shall be open at six o'clock in the forenoon and shall close at nine o'clock in the evening. There shall be no adjournment or intermission until the polls are closed. Such primary election shall be held at the place in each election district which shall have been designated by the board of elections as the place where the general election shall be held during the year.

§ 80. At the meeting of the board of inspectors in the city, for revising and correcting the register for the primary election herein provided, the inspectors shall retain upon the register of their respective districts the names of all persons qualified to vote at such election in such district which appear upon the register of voters for the last preceding general election in such election district, except the names of such voters as are proven to the satisfaction of the inspectors to have ceased to be voters of such district since their names were placed upon such register, and shall, at such meeting, add only to such register the names of the persons qualified as voters who shall personally appear before the board.

Any voter who was registered in an election district of the city at the last preceding general election, and who since that time shall have removed into another election district in the city, and who is otherwise qualified to vote, shall, upon demand, receive from the board of inspectors of the district in which he was registered for such last pre-

ceding general election a certificate duly signed by the said board of the fact that his name was upon such register and has been erased therefrom because of such removal, and his name shall thereupon be erased from such register. Upon presentation of such certificate by the voter to the board of inspectors of the election district in which he resides, his name shall be placed upon the register for such district. The inspectors must note upon the register opposite the name of such voter the fact of such removal, specifying the election district from which he has removed. They shall carefully attach such certificate to the register.

§ 81. The board of elections shall provide for each polling place the same equipment, sample ballots, instruction cards, tally sheets, return blanks, stationery, and other supplies, so far as may be necessary, for use at such primary election, as he is required to provide for each polling place for use at the general election; the expense thereof shall be a charge upon the city.

§ 82. The board of elections shall cause the list of polling places in the city, required to be published by section three hundred and one of the election law, to be published in the same newspapers on the day of a primary election hereunder and on the day prior thereto.

§ 83. The election officers who shall have been appointed to serve at the general election next succeeding a primary election held under this title shall serve within their districts at such primary election and shall receive the same amount of compensation.

§ 84. The expense of all primary elections held under this title shall be paid by the city and in the same manner as the expenses of general elections. If provision shall not have been made for the payment of such expense in any year, then the officers who are empowered by law to make such provision in the city are hereby authorized and directed to raise money, to such an amount as may be necessary, in any manner provided by law for meeting expenses in anticipation of the collection of taxes and resources, and to pay such expense therefrom. The amount so raised shall be included in the amount to be raised by tax in the ensuing year.

§ 85. The board of elections shall cause to be prepared, printed, and supplied for use at the primary elections hereunder, official primary ballots, and no other ballots shall be used at such elections. No names of candidates for nomination for the office of mayor, or councilmen, shall be printed upon the official primary ballot, except after designation duly made by petition, or by committee, as prescribed in article one of this title. No names, words, signs or matter whatsoever shall be printed, written, stamped, or in any other manner placed upon the official primary ballot, except as in this title provided.

§ 86. Such official primary ballot shall conform in quality, weight, color and style of printing to the ballot prescribed by the election law for use at the general election. The ballot shall be printed upon the same leaf with the stub and separated therefrom by a perforated line. The part above the perforated line designated as the stub shall extend the entire width of the ballot, and shall be

of sufficient depth to allow the instructions to the voters to be printed thereon. Upon the face of each stub shall be printed the ward and the election district number and in type known as brevier the following instructions: "In order to vote the voter should make with a lead pencil having black lead a cross X mark in the voting space at the left of the name of the candidate or candidates for whom he desires to vote. To vote for a person whose name is not on the ballot, write the name of such person under the title of the office in the blank space provided for that purpose. Any other mark than the cross X mark used for the purpose of voting or any erasure made on this ballot makes it void and it cannot be counted as a vote for any candidate. If you tear or deface or wrongly mark the ballot return it and obtain another but only one additional ballot may be so obtained." On the face of the ballot immediately below the perforated line shall be printed the caption "Candidates for nomination for mayor" whenever a mayor is to be elected and under said caption in brevier lower case type the words "Vote for one" and immediately thereunder the names of all the candidates for nomination for that office, duly designated as provided in this title, shall be printed in one column and arranged in alphabetical order. Immediately below the names of all the candidates for such office of mayor shall be left one blank space; the voter may write in such blank space the name of any person for whom he desires to vote for nomination for mayor, whose name is not printed upon the ballot as a candidate for nomination for such office. Immediately below such blank space shall be printed the caption "Candidates for nomination for coun-

cilman'' and under such caption in brevier lower case type the words "Vote for \_\_\_\_\_," and in the blank space shall be printed the number to be elected. Immediately below this direction shall be printed, in one column and arranged in alphabetical order, the names of all candidates duly designated as provided in this title for nomination for such office, and immediately below the names of all the candidates shall be left four blank spaces; the voter may write in such blank spaces the names of persons for whom he desires to vote, whose names are not printed upon the ballot as candidates for nomination for such office. Voting spaces shall be provided at the left of said column opposite the names of candidates in the same manner as provided upon the official ballot for use at the general election. On the back of the ballot below the stub and immediately at the left of the center of the ballot shall be printed in great primer Roman condensed capitals, "Official primary ballot for" and after the word "for" shall follow the designation of the polling place for which the ballot is prepared, the date of the primary election and a facsimile of the signature of the board of elections of Erie county. On the back of the stub shall be printed the consecutive number of the ballot beginning with number one and increasing in regular numerical order.

§ 87. Sample ballots, instruction cards and stationery, tally sheet blanks, ballot return blanks, election return blanks and blanks for the report of assisted and challenged voters, shall be prepared and furnished by the board of elections for such primary election in the same manner as is required at a general election.

§ 88. The provisions of article fourteen of the election law, relating to the conduct of elections, and canvass of votes, shall apply to the primary elections held under this title.

§ 89. Nothing herein contained shall be construed to prevent the use of voting machines at the primary elections and in the event of their use the provisions of article fifteen of the election law shall apply so far as the same may be applicable and not inconsistent with the provisions of this title. Such voting machines, if equipped with single straight ticket devices for use at the general election, shall have such devices securely locked at the primary elections. The ballots prepared for use upon such machines at such primary elections shall, in addition to such instructions to voters as may be proper, contain only the names of the offices for which candidates are to be nominated, a direction stating the number to be voted for for each office, and the names of the candidates duly designated for nomination, with proper blank spaces for independent voting.

§ 90. On the first Friday after every primary election hereunder the supervisors elected within the limits of the city shall convene at the usual place of meeting of the board of supervisors at two o'clock in the afternoon, and after organizing by the election of a chairman and secretary, the city clerk shall lay before the meeting the certificates of the inspectors of election filed with him and a tabular statement of their result, and the meeting shall forthwith canvass the returns, and shall determine therefrom and shall certify under the hand of its chairman and secretary the names of the persons who received the largest and next

largest number of votes for mayor, and the persons double in number the number of councilmen to be elected, who received the largest number of votes for councilmen. The said certificates shall be made in triplicate, one of which shall be filed in the office of the clerk of Erie county, another shall be filed and recorded in the office of the city clerk, and the third shall be filed with the board of elections.

§ 91. The persons named in such certificates shall be the persons nominated for such offices, respectively. The certificates of nomination under this title shall be filed with the board of elections at least ten days prior to the election for which the nominations are made.

§ 92. If a candidate duly nominated for the office of mayor or councilman dies before election day, the city clerk shall certify to the commissioner of elections the name of the person who received the highest number of votes for such office at the preceding primary election, other than those persons who were nominated for such office, and the board of elections shall place his name upon the official ballot in place of the deceased candidate. Should the official ballot have been printed, pasters shall be prepared and furnished as provided in section one hundred and thirty-seven of the election law.

### ARTICLE III.

#### VOTING AND CANVASS OF VOTES AT THE GENERAL ELECTION.

§ 93. (1) At all general elections where candidates for the office of mayor and councilmen of the city are to be elected the form of general bal-



lot, tally sheet and official pasters, the method of voting, of preparing the ballots by voters to indicate their choice, and the method of counting the votes and certifying the results shall be in all respects as provided by the election law, except as in this act otherwise provided. Only the names of candidates nominated for the office of mayor and councilmen in the manner in this title provided shall be placed upon the official ballot as candidates for such offices. Such candidates shall be placed in the column on the extreme right of the official ballot; at the top of such column there shall be printed in type known as great primer Roman condensed capitals the caption "City nominations" which caption shall be separated from the rest of the column by a heavy printed line. Under said caption the names of the candidates for the offices of mayor and councilmen shall be printed in the same manner and with the same alphabetical arrangement as provided in this title for the official ballot at primary elections. A voter may write in the blank space under the candidates for mayor and in the blank spaces under the candidates for councilmen the name or names of any person or persons for whom he desires to vote as his choice for the office, whose name or names are not printed on the ballot as candidates for such office. No words, device, emblem, sign or writing whatsoever shall be printed, written, stamped or placed over, in or upon the column containing the city nominations, except as herein specially provided for such column.

(2) In case of the death of a candidate for the office of mayor or councilman the official paster as provided for in section one hundred and thirty-seven of the election law shall contain the name

of the successor candidate but not the title of the office.

(3) If the voter desires to vote for a person who has been nominated as a candidate for the office of mayor or councilman he must make a cross X mark in the voting space before the name of such candidate. If the voter desires to vote for any person for the office of mayor or councilman whose name does not appear upon the ballot, he can so vote by writing the name of the person with a pencil having black lead in the blank space under the title of the office in the city nominations column.

(4) On the right of the column of each tally sheet headed "Total number of ballots counted for," there shall be a column headed "City candidates" in which column shall be printed the titles of the respective city offices of mayor and councilman and the names of the candidates therefor, respectively, in the same order as printed in the city nominations column on the general ballot, except that between the name of the last candidate for mayor, and the title of the office of councilmen shall be left a space sufficient to write therein the names of persons voted for for such office of mayor; and like blank spaces shall be similarly left under the office of councilmen in such column.

To the right of such column shall be a column headed "Total number of votes cast and counted for each candidate, and blank ballots," in which column opposite the name of each person shall be entered the total number of votes cast and counted for him. Immediately below the space left for the writing in of names of persons voted for for the office of mayor or councilman in the

column headed "City candidates," and in the same column, shall be printed the words "Blank ballots," and opposite thereto shall be entered the number of ballots on which no vote for any person for such office has been cast. Opposite thereto, and in the column headed "Total number of votes cast and counted for each candidate, and blank ballots" shall be entered the total number of such blank ballots. The votes canvassed for city candidates, and such blank ballots, shall be entered by single marks grouped into five marks.

(5) A voting machine to be used at any general election where candidates for city office are to be voted for must be so constructed as to require and permit the voter who desires to vote for candidates for the offices of mayor and councilmen of the city to do so separately. The candidates for city office shall be arranged by themselves upon the ballot used upon such machines, in as nearly as may be practicable the same order as provided in this section for the arrangement of such candidates upon the blanket ballots, but they may be arranged either in horizontal rows or vertical columns.

## ARTICLE IV.

### SPECIAL ELECTIONS.

§ 94. Special elections permitted by the provisions of this act shall be held at the same places as the primary elections; it shall be the duty of the board of elections of Erie county to supply and permit the use of all necessary booths and equipment. The election officers who serve at the

preceding general election shall serve at all special elections and at the same compensation.

§ 95. All expenses of special elections shall be borne by the city and paid in the same manner as the expenses of official primary elections held under this title. If provision shall not have been made for the payment of such expenses in any year, the council is hereby authorized and directed to raise money to such an amount as may be necessary in the manner provided by law for meeting expenses in anticipation of the collection of taxes and to pay such expenses therefrom. The amount so expended shall be included in the amount to be raised by tax in the ensuing year.

§ 96. Notice of the time and place of holding any special election and the purpose of such election shall be published in such manner as the council shall provide by ordinance, except as may be especially provided in this act.

§ 97. Special elections, except as otherwise provided in this act, may be called for such time as may be fixed by the council, except that no special elections may be held within twenty days from the date of the adoption of the resolution of the council calling such election.

§ 98. The form of ballot for questions submitted shall conform as nearly as may be to the requirements of section three hundred and thirty-two of the election law, and if voting machines are used at such special elections the ballot shall conform as nearly as may be to the requirements of article fifteen of the election law so far as the same may be applicable.

§ 99. The canvass and certification of the result of any such special election shall be made as provided in this title for the canvass and certification of the result of the official primary election.

## TITLE V.

### DEPARTMENT OF FINANCE AND ACCOUNTS.

#### ARTICLE I.

##### GENERAL FUND.

§ 100. The fiscal year shall begin on the first day of July.

§ 101. The city shall have the power to raise money to defray the cost of the carrying on of the municipal government, and for doing any of the things authorized by law, by general taxation, by local assessment where authorized, and by the issue of bonds in an amount not to exceed the amounts allowed by law. It shall be lawful for the city to issue its bonds at such rates of interest as the council may determine, and to make such interest payable at such times and places as may also be determined by the council. Such bonds may be issued from time to time as ordered by the council. Except as may be otherwise provided by law such bonds may be made payable at a time not exceeding twenty years from their issuance or they may be made payable in equal proportions during a number of successive years not exceeding a period of twenty years from their issuance as the council may determine. All bonds shall be sold for the best price obtainable not less than par, and accrued interest, and shall

be valid and binding upon the city and paid in the method prescribed by law, and the council shall make provision in the general fund estimates of said city for the payment of the interest on and the principal of said bonds as the same shall become due.

§ 102. The council, on or before a date prior to May first of each year, and in a manner to be fixed by ordinance, shall adopt an estimate of the amount necessary to be raised by general tax to carry on the city government, and to meet all the expenses and liabilities of the city, for the next fiscal year; in such estimate shall be included at least one hundred thousand dollars of the principal and the interest of the bonded debt of the city due, or to fall due within the next fiscal year. All premiums realized upon the sale of bonds shall be used and applied as a resource of the city in the annual estimate. The sum total of the adopted estimate shall be raised by general tax.

§ 103. In such estimate may be included a sum not exceeding five thousand dollars for the celebration of the fourth of July, the reception of distinguished persons and for the purpose of providing for the due and proper observance of Memorial day.

§ 104. The expenditure during the fiscal year shall be kept within the estimate, unless the council by a four-fifths vote shall approve an increase thereof. The amount of any such increase shall be included in the estimate for the ensuing fiscal year, and may be temporarily borrowed on city certificates of indebtedness, or met by the issue of bonds payable on the first day of September

of the fiscal year next succeeding their issue, or prior thereto.

§ 105. As soon after the adoption of any estimate as shall be practicable, the assessor shall apportion said tax upon the taxable property within the city, as set down in the assessment-rolls of the year filed with him; and shall set down in a column, to be prepared for that purpose in said rolls, opposite to the several sums set down on said rolls as the valuation of real and personal estates, the respective sums in dollars and cents to be paid as a tax thereon. He may correct any clerical errors in said rolls. He shall enter thereon, in a column to be prepared for that purpose, opposite to each lot of land, the aggregate amount of all unpaid local assessments thereon, with the additions.

§ 106. On the first day of June or as soon thereafter as practicable, the assessor shall give notice by publishing the same in the official paper, and by posting the same in six public places in each ward, that the payment of taxes and assessments upon the general taxrolls may be made to him at any time before the expiration of one month from the date of said publication without additions; that at the end of said month an addition of one per centum upon every unpaid tax and assessment will be added thereto; that an addition of one-half of one per centum will be made every month thereafter until the first day of March following, at which time an addition of five per centum upon every unpaid tax and assessment will be added thereto, and that thereafter all taxes and assessments will be charged with interest at the rate of six per centum per annum on

the first day of each month until the same are paid; and such addition, interest and fees shall be charged accordingly. On or before the first day of February each year, the assessor shall give notice to all owners of land upon which there remains in his hands any such unpaid tax or assessment, by mailing written notice to their address as shown on the maps in his office, and if no such address is shown such notice shall be addressed to them at Buffalo, New York, that if such tax or assessment is not paid on or before the first day of March next thereafter, five per centum will be added thereto, as herein provided, and the same will be sold for taxes, but failure to give such notice shall not invalidate the tax or assessment or subsequent proceedings. Whenever any tax appearing upon said rolls shall be erroneously marked canceled or paid, the assessor shall, immediately upon the discovery thereof, notify the owner of the property upon which said tax was so canceled that said cancellation was erroneous, and that such tax must be paid within thirty days from the date of such notice. Said notice shall be in writing, and shall be mailed to the address of such owner, as said address appears on the maps in the assessor's office; if no such address is shown, such notice shall be addressed to him at Buffalo, New York; in case said tax is not paid within said thirty days, the assessor shall mark such tax "Erroneously canceled," together with the date of such cancellation, and the lien of said tax shall be restored. If such tax is not restored before the first day of March after the general taxroll was made up, the assessor shall place said tax upon the taxrolls of a subsequent year, in a separate column, and said tax shall have the



same force and be collected in the same manner as an original city tax for that year. All taxes and assessments, together with interest thereon as provided by law, shall be liens upon the lands upon which they are assessed from the time of the publication of the notice by the assessor required by this section, until paid.

§ 107. The city may recover by action the amount of every tax with the additions and interest unpaid on the first day of March aforesaid, with interest thereon at the rate of six per centum per annum, and the further sum of five per centum upon the amount of such tax, interest and additions, from the persons liable to pay the same, which shall remain unpaid for more than ten months after the commencement of collections upon said roll. Such action shall be brought by the city. The judgment obtained in such action, when docketed in the office of the clerk of Erie county, shall have priority over any other lien or incumbrance upon or transfer of property charged with the tax for which such action was brought, and every purchaser or incumbrancer of said property whose incumbrance, lien or transfer shall have been recorded before the commencement of the action shall be made a party to said action.

§ 108. Taxes can be paid to the assessor with such additions and interest as may be provided by law at any time before sale with the addition of one dollar for expense of publication of notice of sale whenever publication thereof has been made or commenced.

§ 108-a. All moneys belonging to the city, save as herein otherwise provided, shall be paid to the

treasurer of the city within twenty-four hours after the same are received, or as soon thereafter as his office shall be open for the transaction of business; he shall daily deposit all city money so received by him in such bank or banks as may be designated by the council for such purpose. The treasurer shall furnish a bond or undertaking to the city, to be approved of by the council, in such amount as they shall by resolution determine, conditioned on the faithful discharge of his duties; the amount of such bond shall not be less than one hundred thousand dollars. The treasurer shall keep full, accurate and separate accounts of the various funds and moneys belonging to the city in his custody, subject to the direction of the council; he shall each week, and at such other times as he may be so requested, furnish the council with a detailed statement of the exact condition of all funds, and of all the fiscal affairs of the city pertaining to his office, as of the time such statement is furnished.

§ 108-b. The council shall designate the bank or banks to act as the depository of city moneys; but no bank shall be designated until such bank has provided the security therefor required by the council, and which shall protect the city as regards such moneys against loss; and the council shall provide for the receipt of interest by the city on its bank balances.

## ARTICLE II.

### CHAPTER 1. DEPARTMENT OF ASSESSMENT.

§ 110. There shall be a department of assessment which shall be a subordinate department of

the department of finance and accounts, until otherwise provided by the council. The council shall by ordinance prescribe whether there shall be one assessor or a board consisting of three or more assessors, and in the event that more than one assessor shall be provided for the word "assessor" wherever used in this act shall be deemed to refer to the board of assessors. A majority of any such board of assessors shall constitute a quorum for the transaction of business. The council may divide the city into parts known as tax sections for purposes of assessment and change or add thereto from time to time as it may by resolution direct. Until such division be made the present tax sections into which the city is divided shall be retained and all assessments for general purposes made with reference thereto; and all lists of available jurors for the city of Buffalo shall be made with reference to such tax sections.

§ 111. The assessor shall have the powers and duties heretofore possessed by the board of assessors of the city relative to matters of valuation and assessment for the city, and shall have such powers and perform such duties in addition to those prescribed herein, as may be prescribed by general laws applicable thereto and not inconsistent with the provisions of this act.

§ 112. In case the assessor (or any member of the board of assessors) shall be interested in any parcel included within land upon which a local assessment is to be spread, the council shall appoint a person to apportion the amount of the assessment to be spread on such parcel; the person so appointed shall take the oath of office which

shall be annexed to the assessment-roll, and shall sign such roll and any revised roll or copy thereof; such person shall receive such compensation for his services as may be allowed by the council, which shall be paid out of the general fund.

§ 113. The assessor shall keep in his office maps and surveys of all the taxable real property in the city, certified by the chief engineer of the city, which maps and surveys shall show the location and boundaries of each piece of taxable real property as nearly as practicable, and the name of the owner, or of one of the owners as shown by the conveyance presented to him. The assessor shall have the power, and it shall be his duty, to make notations on such maps and surveys, showing changes in boundaries and ownership of the parcels of land indicated thereon, when such changes are made by deeds or subdivision maps filed for record in the office of the clerk of Erie county, and not otherwise; and such notations shall be deemed to be a part of such maps and surveys. Reference shall be made to such maps and surveys in the annual assessment-rolls, in all local assessment-rolls, in certificates of sale for unpaid taxes, in notices to redeem, and in all conveyances of property sold for unpaid taxes, and said maps and surveys shall be deemed a part of said assessment-rolls, certificates, notices and conveyances of property sold. Reference to such maps and surveys in assessment-rolls may be made generally in the captions thereto. Every deed or other instrument of conveyance of lands in the city and every subdivision map of land filed with the clerk of Erie county, shall within forty-eight hours after said filing, be presented by said county clerk to said assessor for the purpose of making the

changes on his said maps and surveys as provided for herein. If said county clerk fails or refuses to present said deeds or maps as aforesaid, he shall be personally liable to the city or to any person for any damages caused by said neglect or refusal. No map subdividing lots upon a new or proposed street or purporting to show or dedicate a new street or proposed street, shall be filed in the office of said county clerk or copied by said assessor on his said maps and surveys, unless there is attached thereto a certificate of the department of public works that said street has been duly accepted by the city. When lands have been marked upon the assessor's maps in ink as a public street, avenue, alley or square, and a map or plot thereof has been filed in the Erie county clerk's office by the owner, showing the same as a public street, avenue, alley or square within fifteen years prior to the first day of January, eighteen hundred and ninety-five, or at any time thereafter or hereafter, and the same have been exempted from taxation at the instance or with the consent of the owner, or where adjacent lands of the same owner have been conveyed and taxed, bounding on any such street, avenue, alley or square, the same shall be deemed to have been duly dedicated and accepted as such.

## CHAPTER 2. ANNUAL ASSESSMENT-ROLL.

§ 115. The assessor shall prepare annual assessment-rolls of each tax section, which shall consist of two parts. The first part shall contain the valuations of all the taxable lands of each tax section, and in it the assessor shall set down:

1. The names of owners of the taxable lands, so far as the same can be ascertained.

2. A brief description of said lands by reference to the assessor's maps and surveys, and such further description as the assessor may deem proper.

3. The full and true value of said lands, exclusive of improvements.

4. The full and true value of the improvements on said lands.

5. The total value of said lands and improvements.

The assessor shall also set down in said roll the names of the owners of special franchises, such description of the special franchises as fixed by the state board of tax commissioners. If the special franchise is located in more than one tax section, it may be set down in the roll of any tax section in which it is located. No tax on real property, or special franchises, shall be invalid by reason of any error or omission in naming the owner or owners in said roll, and no tax upon lands described by reference to the assessor's maps and surveys shall be invalid by reason of any error in the description of said land, if it is sufficiently definite to locate said land upon the assessor's maps and surveys. The second part shall contain the names in alphabetical order of all the inhabitants of the city, corporations and associations, deemed taxable in each ward or tax section upon personal estate, and opposite to each shall be set down the full value of his or its taxable personal estate. He shall complete the rolls on or before the second day of January in each

year and immediately thereupon publish a notice in the official paper, twice a week for two weeks, that said rolls have been completed, and may be seen and examined at his office, during said month of January. The rolls shall be open to public inspection during such time.

The assessor shall, prior to the time the rolls are open for public inspection, if so required by the council, cause notice to be served on all persons, associations and corporations which are assessed therein upon personal property, except bank stock, which notice shall be given in the manner required by the council, and shall state the amount of assessment.

§ 116. During such time application may be made by any person considering himself to be aggrieved by the assessed valuation of his real or personal property, to have the same corrected. If such application be made in reference to the valuation of real estate, it must be in writing, stating the grounds of objection thereto, and thereupon the assessor shall examine into the complaint, and if, in his judgment, the assessment is erroneous, he may cause the same to be corrected. If the application be made in relation to the assessed valuation of personal estate, the applicant shall be examined under oath by the assessor; and if, in his judgment, the assessment is erroneous, he shall cause the same to be corrected.

§ 117. The rolls shall be carefully reviewed and corrected by the assessor. He shall make two copies of all rolls as revised and corrected, except that it shall not be necessary to include in said copies the separate valuations of said land and improvements, and shall attach thereto a certifi

cate to the effect that they are correct copies of the rolls on file in his office; he shall retain one copy of each roll in his office, and shall deliver one copy of each roll to the clerk of the board of supervisors on or before the first day of October, which shall be the assessment-rolls of the several tax sections for city, county and state purposes.

§118. The assessor shall have the power, at any time prior to the sale of lands for the non-payment of taxes and assessments, to rectify any error committed in the making up of the annual assessment-rolls, and of the assessments for local improvements, in the following cases only:

1. When the error is entirely clerical.
2. When there is a mistake in the name of the party taxed or assessed.
3. When the real estate or the improvement thereon shall be erroneously described or stated.
4. When the property that has been assessed is by law exempt from assessment or taxation.
5. When a correction shall have been directed to be made in accordance with the provisions of section one hundred and sixteen of this act.

§ 119. When a tax or assessment has been or hereafter shall be imposed upon real property, any owner or mortgagee of said property may apply to the assessor to have such tax or assessment divided and apportioned upon different parts of said property. If the assessor shall deem it proper and feasible to divide and apportion such tax, he may make a statement showing the manner in which the division and apportionment should be made. At any time prior to the first



day of March in the year succeeding the year when such tax or assessment became a lien upon such property, or on said first day of March, the assessor shall receive and receipt for the tax or assessment so divided and apportioned, and make the proper entry thereof on the tax or assessment-roll. Thereupon the real property upon which the part paid is apportioned shall be discharged from the lien of the said tax or assessment. But after said first day of March the assessor shall not receive or receipt for any such tax or assessment so divided or apportioned, except as hereinafter and in this section provided. Thereafter any such owner or mortgagee may present to the supreme court, at any special term thereof held in Erie county, a petition asking that such tax or assessment be divided and apportioned upon different parts of the property assessed, according to the statement of the assessor or otherwise. Such petition shall show the names of all the owners and mortgagees of said real property so far as the same are known or can be ascertained. The court may by order require the city and the owners and mortgagees of the property assessed to show cause why such tax or assessment should not be divided and apportioned. A copy of such order shall be served personally upon the corporation counsel, and upon all the owners and mortgagees aforesaid within the state if known. The court shall give such directions as to the service of nonresidents and unknown parties as it may deem proper. Upon the return day of such order to show cause the court shall hear the proofs and allegations of the parties appearing, and shall make such order as justice requires. If the court shall order the taxes or assessments divided

and apportioned, it shall indicate the manner of division and apportionment. A certified copy of such order shall be filed with the assessor. An appeal from said order may be taken within ten days from the entry thereof, but not afterward, by any person aggrieved. After the lapse of the time to appeal, any persons may pay the tax or assessment or any part thereof as divided, and the real property upon which the part paid is apportioned shall be discharged from the lien of the said tax or assessment. All the proceedings with reference to said tax or assessment subsequent to such division and apportionment shall be the same, and with like effect as though the tax or assessment had been originally imposed as directed by said order, and a proper entry shall be made on the tax or assessment-roll. This section shall apply to real property heretofore sold for nonpayment of taxes or assessments for which a deed has not been delivered, but if such property has been sold to any purchaser other than the city, no order shall be made as provided by this section if the holder of the certificate of sale shall appear and object thereto. No tax or assessment shall be deemed invalid by reason of being assessed upon real property which has been subdivided or different portions of which are owned by different persons, and the remedy of such persons shall be confined to division and apportionment of the tax or assessment as in this section provided. The assessor when adding a local assessment, or installment thereof, to the annual city taxrolls, shall, if necessary, divide and apportion such local assessment or installment upon the different parcels of real property separately described in such annual city taxroll as nearly as may be, and the assessor shall make such division and appor-

tionment; and the said assessment or installment shall be added to the annual city taxrolls according to such subdivision or apportionment. A local assessment, or installment thereof, may be added to an annual city tax in any case where they are upon parcels of different boundaries but in part the same. Any owner or mortgagee of said property, or any part thereof, if not satisfied with said division and apportionment, may make application to the court to have such assessment or installment divided and apportioned as provided in this section, at any time within ten months after the annual city tax in the roll to which such assessment or installment is added becomes a lien.

### CHAPTER 3. LOCAL ASSESSMENTS.

§ 125. The council shall, unless otherwise provided by this act, estimate and fix the amount of money to be raised by assessment.

§ 126. All assessments shall be made by the assessor, and in the order in which they shall be estimated and fixed, unless otherwise directed by the council.

§ 127. The assessor shall assess the whole amount ordered to be assessed upon the parcels of land benefited by the work, act or improvement in proportion to such benefit, except in those cases in which, by this act, the assessment is to be made upon a different principle and in those cases he shall make the assessment upon the principle prescribed in each case by this act.

§ 128. In the assessment-roll, he shall briefly describe the several parcels of land assessed as nearly as practicable, and set down the amount in dollars and cents assessed on each parcel.

§ 129. If the name of any person is marked upon the books in the assessor's office as the owner of any parcel the assessor shall enter it upon the assessment-roll, but his omission to do so shall not invalidate the assessment, and the inserting the name of a person, deceased, alone or in connection with the words "estate of," or inserting the name of a person who is not the owner, shall not invalidate such assessment.

§ 130. After the roll is completed the assessor shall publish in the official paper notice thereof, and shall state that the roll will remain in the office of the assessor, open for inspection and revision, for ten days from the publication of such notice. Any number of rolls may be included in one notice. Such roll, or rolls, shall remain open for inspection and revision during the time specified in the notice.

§ 131. Any person owning land in the city, but residing out of it, may appoint in writing an elector of the city as his agent, to take care of the taxes and assessments on his lands in the city. Such appointment shall be acknowledged. Upon the presentation of such appointment to the assessor he shall file the same, and register the name of the person making the appointment and the name of the person appointed, in a book, to be kept for that purpose. The notice in such case required by the following section shall be addressed to such agent.

§ 132. It shall be the duty of the assessor to procure and have prepared at the expense of the city, and thereafter keep the same in his office as a part of the records thereof, and accessible to the inspection of the public, a book or books of registration of suitable form and properly bound, in which shall be entered by the assessor opposite to each parcel of land the name and address respectively of resident owners of lands lying in said city, and of agents who shall have been appointed as such in pursuance of the foregoing section, to whom notices relating to the assessment-rolls are to be directed by the assessor, as hereinafter provided. Such book or books shall be prepared in the same form as near as may be, as that in which the annual assessment-rolls are required to be prepared. Every resident owner and every such designated agent of nonresident owners of lands lying in said city shall furnish to and for the assessor at his office, for the purpose of having the same registered as above provided, his or her name, together with an address to which the notice to such person, relating to the assessment-roll, as provided for in this section, is to be directed by the assessor; and each and every change of address shall forthwith be made known to the assessor by said owners or agents, and thereupon said assessor shall enter in said book or books of registration the changed address. Every original or changed address shall be accompanied with a description of each parcel of land owned by such person, or the principal or agent furnishing the same. The registers so kept by the assessor shall show the date when the information herein required of the owners and agents in relation to their names and residence was furnished to the assessor. When an assess-

ment is to be made by the assessor upon the parcels of land to be benefited by the work, act or improvement in proportion to such benefit, the assessor shall, at least five days before the expiration of the time during which the roll is to remain in his hands for inspection and revision, deposit in the post-office in said city, postage prepaid, a notice directed to the persons whose names shall be entered on the roll, and which notice shall state that the roll, naming it, is on inspection, and in every instance where the persons so to be notified shall have complied with the requirements of this section by furnishing to the assessor their names, and residences or place to which such notices are to be directed by the assessor, such notices shall be directed to the name and such address of the person to be notified; in every other instance such notices shall be directed simply in the name of the person to be notified at Buffalo, New York. The validity or regularity of the service of any notice required to be served by the provisions of this chapter shall not be questioned or disputed by any person who by this section is required to furnish to the assessor for registration his or her name and address who shall refuse, fail or neglect so to furnish to the assessor his or her name and address, or who shall refuse, neglect or fail to report any and every change of address, should any such be made, as herein required.

§ 133. On the application of any person conceiving himself aggrieved, it shall be the duty of the assessor to hear and examine his complaint in relation to such assessment, and to determine such complaint, subject to review by the council.

§ 134. The assessor shall make and sign a copy of the revised roll, and attach to it proof, by affidavit, of the giving of the notices required by this act to be given by it, and deliver the same to the corporation counsel. He shall thereupon cause the same to be examined as to the regularity of the proceedings. If they are found to be regular he shall annex his certificate of the fact to the roll, and deliver it to the city clerk to be proceeded with; if they are found to be irregular he shall annex to the roll his certificate of the fact, specifying in what the irregularity consists, and lay the same before the council. The council may take such action thereon as it shall deem expedient.

§ 135. When an assessment-roll shall be delivered to the city clerk to be proceeded with, he shall publish a notice in five successive numbers of the official paper (Sundays and legal holidays excepted), that the roll, naming it, is in his office, and that objections to it may be filed with him within ten days from the first publication of the notice. Any person interested in the roll may, within the time specified in the notice, file with the city clerk objections to it, which objections shall be subscribed and verified by the objector or his agent. The city clerk may include several rolls in the same notice. If no objections shall be filed within said time, the roll shall be deemed to be confirmed, and the city clerk shall attach to it proof of the publication of the notice required to be published by him, and his certificate that no objections to it have been filed with him, and deliver the same to the assessor.

§ 136. If objections shall be filed with the city clerk to such roll, he shall, at the first regular

meeting of the council after the expiration of the time for filing objections, lay such roll and the objections filed thereto before the council, which shall, on that day or on such other day or days as it shall appoint, hear the objections and confirm the roll, or annul it, or refer it back to the assessor, to make a new assessment. When the roll objected to is a monthly assessment-roll for work mentioned in section one hundred and forty-four of this act, the council may confirm the roll, in whole or in part, and may make such corrections, changes and alterations on such roll and in the assessments therein as shall be deemed just and equitable, and confirm it as so corrected or changed. When the council deems it advisable to strike an assessment from such monthly assessment-roll that may be done, and the assessment may be included in a later roll.

§ 137. Whenever an assessment shall have been sent back by the council to the assessor to make a new assessment, the assessor shall forthwith proceed to make a new assessment, in the same manner as is provided for original assessments.

§ 138. Upon the confirmation of any roll, the city clerk shall attach to it proof of the publication of the notice required to be published by him, and his certificate that the roll has been confirmed and deliver the same to the assessor.

§ 139. The council may determine that a street or any part thereof is not in suitable condition to proceed with a local improvement as a whole, and may direct the assessor to divide the assessment-roll made or to be made to defray the expense of



such improvement, and make the same in two or more parts, to be designated and known, the first as part one and the others by successive numbers, respectively, and may direct that the assessor refrain from collecting one or more parts for such time as the council may direct, not exceeding one year, then to be proceeded with pursuant to the provisions of this act.

§ 140. In all cases where the council shall have power to order an assessment, and such assessment shall finally be declared void by reason of any irregularities or defects occurring after such order, in an action or proceeding brought to determine the legality of the same, the assessor shall forthwith proceed to make a new assessment for the work or improvement for which the void assessment was ordered, in the same manner as provided for original assessment. In case the assessor shall neglect for six months to make a new assessment, as herein provided, any citizen may bring an action to compel the assessor to make such new assessment, and the assessor shall be liable for the costs of such action.

§ 141. No lands in the city shall be exempt from local assessments.

§ 142. Whenever any person or corporation shall occupy any public ground or place of the city by permission of the council, such person or corporation shall be assessed by the assessor for any local improvement benefiting the ground or place so occupied the same amount he would assess such ground or place if not so occupied; and when such occupant is so assessed, such public ground or place so occupied shall not be assessed for such

improvement. The city may maintain an action against any person or corporation for the amount of such assessment together with the interest and expenses thereon and the cost of the action at any time after the assessment would, if it had been levied upon privately owned land, be added to the general tax roll.

§143. The expense of constructing or enlarging sewers, receivers, sidewalks, repairing sidewalks, grading, regrading, and surfacing and resurfacing, paving and repaving streets and alleys, shall be defrayed by local assessment. Where an accepted street is repaved or resurfaced two-thirds of the expense thereof shall be raised by local assessment and the remaining one-third thereof shall be paid out of the general fund. The city shall remove all encroachments upon and projections over the public grounds, streets, alleys and wharves, and abate all nuisances and cause the expense to be assessed upon the land upon or in front of which such encroachments, projections or nuisances were, or upon the parcels of land benefited by such removal. The city may construct, maintain and repair a city hall, markets and other public buildings, bridges and reservoirs, wells and fountains and places for supplying the public with water, and docks; maintain, improve and embellish parks, squares, open spaces and other public grounds, and defray the expense or any part thereof, out of the general fund or by local assessment; but all bridges shall be constructed, maintained and repaired out of the general fund. The council may order any street cleaned, sprinkled or watered in addition to the work already contracted for by the city, and may enter into a contract therefor upon a petition of a majority of

the resident owners upon said street, without publishing notice and without adopting or publishing a resolution of intention to order such work or improvement, and before the assessment therefor has been confirmed, and shall cause the expense thereof to be defrayed by local assessment.

§ 144. It shall be the duty of the owner or the occupant of any premises in the city, whenever such work shall be ordered by a resolution of the council, to lay water, sewer and gas service pipes from the main pipes in the street in front of such premises to such point beyond the curb line as the head of the department of public works may determine. It shall be the duty of such owner or occupant to lay and relay sidewalks in front of such premises whenever the same shall be so, as aforesaid, ordered, and at all times to keep and maintain the sidewalk in front of such premises in good order and repair. The department of public works shall notify the owner or occupant of any premises in front of which any such work shall be required to be done, that if the same is not done by the owner or occupant within ten days the same shall be done by the city, and the expense thereof will be assessed upon such premises. Such notice may be served personally or by mailing the same in the manner prescribed in section one hundred and thirty-two of this act for the mailing of notices by the assessor. In case any such work shall not be done within the time specified in such notice and in case any such owner or occupant shall fail or neglect to keep the sidewalk in front of any premises owned or occupied by him in good order and repair, the department of public works may cause such work to be

done and the expense thereof shall be a charge and lien upon, and shall be assessed against said premises. The department of public works shall report all such work so far as possible to the council each month and the council shall order the assessor to assess the same upon said premises and the assessor shall include the same in a monthly assessment-roll entitled "Assessment-roll for water, sewer and gas connections, constructing and repairing sidewalks and removing street obstructions," specifying the month and year, and shall be arranged by streets alphabetically. Any such work omitted from one monthly assessment-roll shall be included in the next.

§ 145. An action may be brought in any court having jurisdiction thereof to determine the legality of an assessment for local improvements, and in such action the owner of a separate parcel of land may unite with one or more of the owners of other parcels assessed or attempted to be assessed. in the same assessment-roll. Such an action may be brought at the same time as, or after, writ of certiorari is granted, pursuant to the next section, or while certiorari proceeding is pending, but it must be brought within one year after said assessment shall have become an actual or apparent lien upon the property assessed. Such an action may be brought and maintained, although the party or parties plaintiff shall not have applied to the assessor to correct, amend or revise the said assessment, and shall not have filed any objections to the said assessment-roll; and although the parties plaintiff, or some of them, have paid their assessments upon said assessment-roll, in which case the parties who have so paid may ask for, and in a proper case the court may order,

restitution of the amounts paid by them with interest. But in such an action no relief shall be granted to the plaintiffs based upon any defects, irregularities or errors in the said assessment-roll which could have been reviewed and corrected by a writ of certiorari issued pursuant to the next section.

§ 146. A writ of certiorari may be granted to review and determine the legality of an assessment for local improvements by any court of competent jurisdiction upon the application of any person or persons aggrieved thereby. The owner of a separate parcel of land may unite with one or more owners of other parcels of land assessed or attempted to be assessed in the same assessment-roll in the application for such writ. Such writ shall be applied for in the form and manner, and the subsequent proceedings thereupon had shall comply with the provisions of article seven of title two of chapter sixteen of the code of civil procedure, relating to the writ of certiorari to review the determination of an inferior tribunal, except as in this section expressly otherwise provided.

1. No such application shall be entertained unless the persons making the application, or some of them, shall have previously made complaint in relation to such assessment to the assessor, pursuant to law, or shall have filed objections to such roll with the city clerk pursuant to law; but the proceeding to review such assessment by writ of certiorari shall not be confined to any grounds of complaint or objection which were presented to the said assessor, or in the said objections filed with the city clerk.

2. Such writ may be applied for at any time after the said assesment-roll shall have been confirmed by the resolutions of the council and before the expiration of two weeks from the first publication by the assessor of the notice that collection of the assessments contained in said roll is to begin.

3. The said writ of certiorari shall be directed to the city of Buffalo, which shall be known as the defendant. It may be served by delivering a copy thereof to the mayor or the corporation counsel, and a copy to the assessor or his deputy, unless the court shall otherwise direct. Only one return to said writ shall be made and it may be verified by any one or more of said officers, or by the assessor of the city or his deputy. The return shall not be conclusive. Upon the return being filed, the cause may be heard at a special term of the court and either party may notice it for a hearing. If upon the hearing it shall appear to the court that testimony is necessary to the proper disposition of the matter, the court may take evidence or may appoint a referee to take such evidence as the court may direct, and report the same to the court, and such testimony shall constitute a part of the proceedings upon which the determination of the court shall be made.

4. The court shall have power at any stage of the proceeding to order any necessary or proper parties to be brought in by amendment, upon such terms as shall be just, and to direct how notice, if required, shall be given to them by personal service or by publication, and thereafter all parties so notified shall be bound by the proceeding, and the court shall have power to appoint an attorney to represent unknown or unrepresented par-

ties, and to order the reasonable costs and expenses of all parties so brought in, otherwise than upon their own motion, to be paid by the city.

5. If it is established that the assessment is illegal for any reason, the court may order that said assessment be canceled, and the same shall thereupon be canceled by the assessor. Where it is alleged or established that the said assessment is irregular or defective on account of an imperfect description of the land sought to be assessed, or any defect or irregularity which can be corrected without prejudice to any of the parties interested therein or affected thereby, the court may order the assessment-roll so corrected or amended or may order that the assessment-roll be returned to the council to annul or correct it pursuant to law.

§ 147. Upon the confirmation of an assessment-roll, the assessor shall cause to be published in the official paper, twice a week for two weeks, a notice that the assessment-roll has been confirmed, and that certiorari proceedings may be commenced by any interested person to review said assessment-roll, at any time within two weeks from the first publication of said notice. After the expiration of said period if a writ of certiorari has not been applied for to review said assessment-roll, or if the collection of said roll has not been stayed by the order of a court or judge in an action brought to test the legality of any of the assessments contained in said assessment-roll, and when the work for which the assessment-roll was made shall have been actually begun, the assessor shall publish a notice in five successive numbers of the official paper, that any assessment contained in

said assessment-roll, naming and describing it, may be paid to him at any time before the expiration of one month from the first publication of said notice, without any addition, and that an addition of one per centum will be added thereto each month until the assessment is placed upon the general taxrolls. The department having the work in charge shall notify the assessor of the beginning of any work. The collections of said assessments shall begin as provided in said notice.

§ 148. Upon the expiration of one month from the commencement of the collection of said assessments the assessor shall add one per centum to the unpaid assessments therein and a like percentage shall, at the end of every month thereafter, until the assessments are added to the general taxroll, be added to each unpaid assessment. Unpaid assessments which become due two months or more prior to the first day of May of each year shall on said first day of May be added to the general taxrolls in the manner provided by section one hundred and five of this act.

§ 149. The method of paying such assessments shall be the same as that prescribed for the payment of taxes of the general taxroll.

§ 150. All local assessments, when added to the general roll, shall be liens to the same extent as taxes, levied in the general roll, and the same interest be payable upon them, and the same remedies and methods of collection shall apply to them as to such taxes under this act, except as herein otherwise provided.

§ 151. Every assessment for local improvements shall become a lien upon the property



assessed, upon the first publication of the first notice, provided for in section one hundred and forty-seven of this act.

§ 152. When any work or improvement shall be ordered by the council the expense whereof shall exceed the sum of five thousand dollars, and is to be defrayed by money raised by local assessment, and in any case where such work or improvement shall be the paving of a street or alley whether the expense thereof shall be more or less than five thousand dollars, the several assessments contained in any roll, made for the purpose of raising said money, shall be divided into five equal annual installments. The first installment shall be due and payable from and after the time specified in section one hundred and forty-seven of this act for the collection of assessments; and the remaining installments in one, two, three and four years from said date. The second, third, fourth and fifth installments shall bear interest at the rate of five per centum per annum from said date, until they shall severally become due and payable. Monthly additions of interest shall be made to each due and unpaid installment as provided for other local assessments commencing one month after said installment shall become due and payable.

§ 153. The assessor shall proceed with the collection of said roll in the manner provided for other assessments. On the first day of May of each year he shall add to the general taxrolls each unpaid installment with the addition thereto which shall have become due more than two months prior thereto, in the manner specified in section one hundred and five of this act. Annual

interest shall be paid to the assessor on all unpaid installments at the time any of them shall become due and said assessor shall not receive payment of any installment after the first unless interest then due on all installments shall be paid at the same time. If the annual interest is not paid, such interest, together with the installment then due, shall be added to the general taxroll for the year.

§ 154. Whenever any work or improvement shall be or shall have been ordered, by the council, the expenses whereof shall exceed the sum of five thousand dollars, and is to be defrayed in whole or in part by money raised by local assessment, and in any case where such work or improvement shall be the paving or repaving of any street or alley, whether the expense shall be more or less than five thousand dollars, the council may, after such local assessment-roll shall have been confirmed, authorize the issue of bonds to an amount not exceeding four-fifths of said expense. Such bonds shall draw interest at a rate to be fixed by the council, and shall be payable one-fourth in one year, one-fourth in two years, one-fourth in three years, and one-fourth in four years from and after the first day of the next calendar month succeeding the confirmation of said assessment-roll. All warrants drawn in payment of any local work or improvement above specified shall be payable, four-fifths out of the proceeds of such bonds and one-fifth out of moneys collected upon the first installment of the assessment-roll made therefor. If sufficient moneys have not been realized upon the first installment of such assessment-roll to pay the warrants so drawn against said roll, or if sufficient moneys have not been realized upon any other installment to pay said bonds when the same

shall be due and payable, the city may temporarily borrow a sum sufficient to pay the same, and all moneys thereafter realized, on account of said assessment-roll or from sales for nonpayment of assessments therein, shall be used and are hereby pledged to the payment of the amount so borrowed, and for the payment of such bonds.

§ 155. Whenever the council shall order the construction of any main sewer or branch sewer in any sewer district of the city, which is not already provided with main and branch and lateral sewers, and where it is proposed according to the plan of drainage adopted for that sewer district or territory by the department of public works that the side sewer shall be extended in the future by branch sewers and lateral sewers, or either, so as to reach territory not immediately drained by it, and the expense of constructing said sewer shall exceed forty thousand dollars, which facts shall be certified to the council for its information with or without its request, by the department of public works, and shall be deemed for all purposes to be established by such certificate, the council may, in its discretion, by a vote of four-fifths of its members direct that the expenses of constructing said sewer or so much thereof as is to be raised by local assessment, shall be assessed upon the property benefited thereby, and that the several assessments contained in any roll made for the purpose of raising said money shall be divided into not less than five, and not more than fifteen, equal annual installments, specifying the number of such installments, and the said assessments contained in any such roll shall thereupon be payable in equal annual installments, according to such direction. The several installments

of the assessments in such extended installment-rolls shall become due and payable, and shall draw interest in the same manner as is provided in section one hundred and fifty-two of this act for the five year installment-rolls, and unpaid installments shall be added to the annual taxrolls, and any default in the payment of annual interest shall have the same result as is provided in said section one hundred and fifty-three and all the provisions of said sections one hundred and fifty-two and one hundred and fifty-three with reference to the five year installment-rolls, shall be applicable to said extended installment-rolls except that the assessment shall be divided into the number of annual installments so directed by the council. In case the council shall so direct any assessment-roll to be extended over a period of more than five years, the bonds authorized to be issued by section one hundred and fifty-four hereof, in anticipation of the payment of the installments upon any installment-roll, may be issued to an amount equal to the total amount of said assessment-roll, less one installment, and said bonds shall be made payable in annual installments covering the same period that is fixed for the payment of assessments in said roll, and all other provisions of said section one hundred and fifty-four, relating to the issue of said bonds in payment of any such local work or improvement shall be modified accordingly, so as to extend over the entire period during which such installments are payable. This section shall apply to any assessment-roll already made, but not yet confirmed by the council.

§ 156. In case an assessment shall prove to be insufficient to defray the expense of the work

or improvement for which it was made, the council shall determine the amount of such deficiency, and may direct the assessor to apportion the same ratably upon the assessment in the assessment-roll. The assessor shall make an assessment-roll accordingly.

### ARTICLE III.

#### COLLECTION OF TAXES AND ASSESSMENTS.

§ 165. All taxes and assessments shall be a lien upon the lands upon which they are assessed, from the time of the publication by the assessor of the notice that they may be paid, as provided in sections one hundred and six and one hundred and forty-seven hereof, until paid. The taxes and assessments upon the general taxrolls may be paid and shall have priority in the inverse order of time in which they become liens. All taxes and assessments which are liens upon the first day of June, nineteen hundred and ten, or which shall thereafter become liens upon the lands upon which they are assessed, shall continue to be liens as provided in this section until paid.

§ 166. The collection of every assessment and of every tax upon real estate, with the interest and additions, may be enforced by a sale of the real estate by the assessor. Such sale shall take place not later than the thirtieth day of June in every year.

§ 167. When the returned taxes and assessments are upon the same parcel of land, such parcel shall not be sold for less than the aggregate amount of them, but when they are upon parcels

of different boundaries, although in part the same, each parcel shall be sold separately.

§ 168. The assessor shall cause to be published twice in each week, for three weeks, in the official paper, a list or statement of the real estate charged with the payment of such taxes and assessments, with additions, fees, interest and expenses, and so liable to be sold, and also a notice that the said real estate will, on a day at the expiration of the said three weeks, to be specified in such notice, and the succeeding days, be sold at public auction to the highest bidder, at the city and county hall in the said city of Buffalo, to pay the taxes, additions, fees, interest and expenses thereon which may remain unpaid at the time of such sale; the expense of publishing such list and notices shall not exceed the sum of one dollar for each parcel of land so advertised. On the day named in said notice, the said assessor shall commence the sale of said real estate at auction to the highest bidder, and shall continue such sale from day to day until the whole thereof shall be sold; but the owner of any piece of land or his representative, may redeem the same at any time before the actual sale thereof, by paying the tax or taxes for which it is to be sold, with all accrued interest additions, fees and expenses. It shall be the duty of the assessor to bid in for the city all parcels of real estate at such sale, which shall not be purchased by any other person at a rate sufficient to pay the taxes for which the land is to be sold, with all the accrued interest, additions, fees and expenses.

§ 169. If the real estate shall sell for more than the amount of the tax, interest, additions and ex-

penses aforesaid, the surplus shall be paid over by the assessor to the supreme court, by delivering the same to the county treasurer of Erie county, and such court shall ascertain and determine who is entitled to such money, and, if it shall appear that such proceedings are valid and regular, order and decree its distribution and payment to the person or persons entitled thereto. And if any of such surplus shall remain unclaimed in said court for a period of ten years, the same, with accrued interest thereon, shall, on application of the corporation counsel, and after publication of notice that such application has been made in the official paper for ten successive issues thereof, Sunday and legal holidays excepted, be paid to the treasurer of the city.

§ 170. The purchasers at such sale shall pay the amounts of their respective bids to the assessor within forty-eight hours after the sale, and thereupon the assessor shall execute to each purchaser, including the city, a certificate in writing, which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, and that the same was sold for unpaid city taxes and assessments. Such purchaser or his legal representative or assigns may, upon receiving such certificate, by virtue thereof, and of this act, lawfully hold and enjoy for his and their own proper use and benefit, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless the same shall be redeemed as hereinafter provided. And he and his heirs and assigns may, at any time after the time limited in section one hundred and seventy-two of this act for the redemption of such premises shall have expired, and the notice therein

provided for been given, and said premises shall not have been redeemed as therein provided, and not before, obtain actual possession of the premises by an action at law or by causing the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to him in the same manner, and by the same proceedings, by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

§ 171. The city shall borrow, for a time not exceeding five years, money sufficient to pay its purchasers at such tax sale, and place in the city treasury, to the credit of each tax and assessment for which sales were made, its portion. All moneys received on the redemption of lands struck off to the city at such sale, or for assignments of certificates of sale, shall constitute a fund for the payment of the money borrowed. The method of retiring such bonds as shall be issued under this section shall be determined by the council, and any deficiency in the sums needed to retire said bonds shall be raised by general taxation.

§ 172. The owner of, or any person interested in, or having a lien upon any real estate sold for taxes and assessments as aforesaid, may redeem the same at any time within nine months after the date of such sale by paying to the assessor for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in the certificate given to him and the interest on the amount of tax, additions, fees, interest and expenses, at the rate of twelve per centum per annum, and on the balance of said sum at the rate of six per centum per annum, to be calculated from the date



of such certificate, and in case such redemption shall be made after nine months and before two years after the date of such sale a further sum of ten dollars to pay for the expenses of searching, and publishing and serving the notices herein prescribed. After the expiration of two years from the date of sale the assessor may receive the deposits last above set forth, but shall not record the redemption of such lands until the certificate issued by him upon such sale shall be returned to him canceled by the purchaser or his assigns, or its loss proven. Notice shall be given by the purchaser of any real estate sold for taxes under the provisions of this act to the occupant, owner in fee, registered agent of the owner, attorney in fact whose power of attorney is recorded, trustee, mortgagee, or his registered tax agent, judgment creditor or purchaser upon any other city tax sale of the same property whose certificate is a lien on said premises, and the heirs and assigns of any or either of them, and the guardian of any infants having any interest therein, and on any other person having a lien or claim on the premises affected by such sale, at any time after the expiration of nine months from the date of such sale, except that it shall not be necessary to serve such notice upon the city of Buffalo or the county of Erie, or the holders of county tax sale certificate. Such notice shall either be written or partly written and partly printed, and shall state briefly the lot or parcel of land to be redeemed, the amount due at the time of sale, the amount for which the property was sold and the expenses of making searches thereon, the last day of redemption of any such real estate and the office, or place and hours when and where the money for such re-

demption can be paid, which office or place of business shall be in the city of Buffalo, and which hours shall be between nine o'clock in the forenoon and four and one-half o'clock in the afternoon. The last day of redemption to be specified in said notice shall be not less than three months from the day of service of the same nor prior to two years from the date of such sale. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of any and all persons entitled to such notice, if they or any of them reside in the city or have a place of business therein; and in case they or any of them do not reside or have a place of business in said city then such notice shall be deposited, postage paid, in the post-office, addressed to them at the post-office at or nearest to their known place of residence; and if the residence or address of any such person or persons be not known to the holder of such certificate, then such notice shall be deposited, postage paid, in the post-office addressed to them at the post-office at or nearest to their reputed place of residence, and if after diligent inquiry no information can be obtained as to their last-reputed place of residence, then said notice shall be deposited, postage paid, in the post-office, addressed to them at Buffalo, New York. The expenses of mailing serving and publishing such notice shall be added to and become a part of the amount required to be paid for the redemption of such real estate. The assessor may advertise, in the manner prescribed by the council, for bids from the clerk of Erie county, and from companies making guaranteed searches, or tax and title searches, for the use of the city and the other purchasers of lands

at tax sales, which searches shall set out in full all the facts necessary to enable the holder of the tax sale certificates to serve the notices herein required. The price of said searches shall not exceed ten dollars for a complete tax and title search, and two dollars and fifty cents for a continuation thereof. The assessor is authorized to reject any or all bids which in his opinion are made by bidders who are not responsible. Holders of tax sale certificates other than the city shall also be entitled to order said searches under said bid as desired at the price fixed by said bid.

§ 173. If such real estate, or any part thereof, be not redeemed as herein provided, the assessor shall execute to the purchaser, including the city, its or his heirs, successors or assigns, upon surrender of said certificate and upon the purchaser's taking and paying for an assignment of all outstanding prior tax liens held by the city upon the premises, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an absolute estate in fee, subject to all claims which the city may have thereon for tax or other liens or incumbrances. The assessor shall be entitled to demand and receive from such grantee, for the use of the city, the sum of one dollar for preparing such conveyance. Every such conveyance shall be attested by the mayor and signed by the city clerk, and the seal of the city attached thereto, and when so executed shall be conclusive evidence that the sale was regular, and also presumptive evidence that all proceedings prior to the sale, from and including the assessment of the lands sold, and that all notices required by law to be given previous to the expiration of the time allowed by law for the redemption thereof were regular according

to law, and the provisions of this act. After six years from the date of record of any such conveyance in the Erie county clerk's office, such presumption shall be conclusive. Every certificate or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed acknowledged or proved before any officer authorized by law to take proof and acknowledgment of deeds.

§ 174. The holder, including the city, of any certificate of sale heretofore executed by the comptroller of the city, or hereafter executed by the assessor, instead of taking a conveyance of the property purchased, may recover the amount paid therefor as in such certificate mentioned with all interest, additions and expenses allowed by law, and for that purpose may maintain an action in the supreme court or in the county court of Erie county to sell such real property. Jurisdiction of such action is hereby conferred upon said county court.

§ 175. The action provided for in the last section may be commenced at any time after five years from the date of sale mentioned in the certificate of sale; and all the provisions of law and the rules of practice relating to actions for the foreclosure of mortgages shall apply to the action hereby authorized so far as practicable except as herein otherwise provided. It shall be sufficient for the plaintiff to set forth in his complaint in such action a copy of or the substance of his certificate of sale, and the interest, additions, and expenses claimed by him, with a statement that the premises described in the certificate have not been redeemed from or conveyed pursuant to the sale

therein mentioned, and that the plaintiff elects to recover as herein provided, also that the defendants have or may have some interest in or lien upon the property affected by the action.

§ 176. The plaintiff in such action shall include and join therein and may likewise recover upon all prior and subsequent certificates of sale held by him executed by the comptroller or assessor or by the treasurer of Erie county, relating to the same real property in whole or in part. He may include and join in one action all such certificates of sale relating to two or more separate and distinct parcels of real property belonging to the same person. He shall make parties to the action the city of Buffalo, the county of Erie, the owner of and all other persons interested in the real property affected, or any part thereof, including the holders of all other prior and subsequent certificates of sale as shown by the records in the assessor's and county treasurer's offices. The people of the state may be made a party to such action the same as a natural person, and the summons shall be served on the attorney-general who shall appear on behalf of the state.

§ 177. The defendants in said action, including the city, and the county of Erie, who are the holders of certificates of sale shall be paid from the proceeds of sale the several amounts paid for the real estate purchased as mentioned and described in the certificates of sale held by them, with all interest, additions and expenses allowed by law, so far as the said proceeds shall suffice to pay the same, in the order of the lawful priority of the liens and the interests of the respective parties in and against the premises as the same may be

determined in the action. It shall be sufficient for any such defendant to set forth in his answer his certificate of sale or the substance thereof with the other allegations in effect as herein provided with regard to the complaint in the action. A defendant alleging irregularity or invalidity in any tax, assessment, or sale shall particularly specify in his answer such irregularity or invalidity.

§ 178. The court shall have full power to determine and enforce in all respects the rights, claims and demands of the several parties to said action, including the rights, claims and demands of the defendants as between themselves, to direct a sale of such real property and the distribution or other disposition of the proceeds of sale. Any party to the action, including the city, and the county of Erie, may become the purchaser on any such sale.

§ 179. Every certificate of sale on which the holder shall elect to recover as herein provided shall presumptively be valid and shall be presumptive evidence that the sale was regular and valid and that all previous steps and proceedings required by law were duly had and taken. No such certificate of sale and no tax or assessment for the nonpayment of which the same was executed shall be deemed invalid or impaired on account of any irregularity or illegality therein, or in the proceedings relating thereto, unless it is shown that the person complaining thereof has suffered actual injury therefrom, and then only to the extent of such injury, and no such tax, assessment or certificate of sale shall be deemed invalid or impaired on account of any error or omission in the description of the property assessed or sold if the descrip-

tion is sufficient to identify such property with reasonable certainty.

§ 180. The remedy herein provided shall be in addition to all other remedies allowed by law with regard to certificates of sale, and shall not be dependent upon them, or any of them, and may be had whether notice to redeem has been given or not; provided, however, that nothing in this act contained shall be held to revive or validate any claim or demand, the enforcement of which otherwise is barred by lapse of time.

§ 181. A conveyance made pursuant to a judgment in any action, brought as herein provided, shall vest in the purchaser all right, title, interest, claim, lien and equity of redemption in and against the premises sold, of all the parties to the action, and of all persons claiming under them, or any or either of them, subsequent to the filing of a notice of pendency of the action, or whose conveyance or incumbrance is subsequent or is subsequently recorded, except subsequent taxes and assessments and sales on account thereof, and except taxes and assessments which were liens on the premises at the time of the filing of a notice of pendency of the action, but for the nonpayment of which no sale had been had prior thereto, and any sales on account of such taxes, and all such parties and persons shall be barred and forever foreclosed by the judgment in said action of all right, title, interest, claim, lien and equity of redemption in and to the premises sold, or any part thereof, except as aforesaid. The judgment in any such action may direct the cancellation or satisfaction of record of taxes, assessments or other claims of any of the parties to the action.

§ 182. The court may in its discretion designate the assessor as the officer to make sale of real property in any action brought as herein provided, and the assessor shall serve without charge. Unless the judgment otherwise directs, the officer making the sale must, out of the proceeds, first pay, as a part of the expenses of the sale, all taxes and assessments which are liens upon the property sold, but which have become such subsequent to the filing of notice of pendency of the action, or for the nonpayment of which no sale has been had prior thereto, and redeem the property sold from any sales for unpaid taxes and assessments which were had subsequent to the filing of such notice of pendency. The plaintiff's costs and allowances, exclusive of disbursements, shall not exceed fifteen dollars if he recovers less than fifty dollars or twenty-five dollars if he recovers more than fifty dollars and less than five hundred dollars unless in such case the court shall in its discretion otherwise direct, after the trial of an issue raised by an affirmative allegation in a verified pleading in the action, in substance or effect, that the lien or interest claimed by any part of the action in the property described in the complaint is invalid.

§ 183. The corporation counsel may have made such tax and title searches of each parcel of land involved in any action brought as hereinbefore provided, to which the city is a party, as he deems best in the city's interest. Whenever the city is the owner and holder of tax liens against, or certificates of sale of, premises directed in or by a judgment in any such action to be sold, the corporation counsel, in person, or by one of his assistants, may attend such sale and bid thereat such an



amount as he deems best in the interest of the city, not exceeding, however, the aggregate amount due upon the liens and certificates of sale held by the city, plus the amount of all prior liens and the legal costs and expenses of the action and sale, and not exceeding the assessed valuation of the premises sold, unless a bid in a higher amount is authorized by the common council.

§ 184. It shall be presumed that every tax levied and assessment made is valid and regular, and that all the steps and proceedings required by law were taken and had, until the contrary shall be made to appear. Any action or proceedings commenced by any person or persons to test the validity or regularity of any tax levied or assessment made shall be commenced within one year from the first publication of the notice that the roll in which said tax or assessment is contained is ready for collection as provided by section one hundred and six of this act. The invalidity or irregularity of any tax or assessment shall not be available as a defense to any action or proceeding commenced after the expiration of one year from the delivery of the roll and publication as aforesaid, for the collection of said tax or assessment, or for the enforcement of any right or title, by virtue of any sale thereunder, unless an action or proceeding to test the validity or regularity of such tax or assessment shall have been commenced within the time hereinbefore limited for commencing the same, and shall be still pending, or such tax or assessment shall have been adjudged to be irregular and invalid.

§ 185. Whenever any purchaser under such sale, or his heirs or assigns, shall be unable to re-

cover or retain possession of any real estate sold to him by reason of any irregularity or error in the assessment of any person or property, or the levying of any tax thereon, or in any proceedings for the collection of any tax the council shall reimburse the purchase money so paid, with interest from the time of its payment, at the rate of six per centum per annum, and thereupon the council shall order a reassessment of any amount or sum so paid upon the same real estate or against the same person, which shall for all the purposes of this act be deemed, and taken to be, an original general city tax or assessment as of the date of such reassessment.

§ 186. No action shall be brought or maintained upon any assessment for local improvements, except local assessments for sidewalks and crosswalks. The taxroll, when advertised according to section one hundred and six of this act, shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular according to law.

§ 187. Nothing contained in this act shall be held or construed as in any way affecting the validity or lien of any state or county tax heretofore levied or hereafter to be levied or assessed upon or against any lands in the city.

§ 188. The council shall not, unless by unanimous vote, allow owners or others interested in lands sold to said city for the nonpayment of taxes or assessments to redeem the same unless by the payment of the amount for which such sale shall have been made, and all accrued interest thereon and the expense properly charged thereon.

§ 189. The assessor shall enter and record in his office his proceedings upon such sales, and all certificates granted by him, and all redemptions and all proceedings whereby sales are defeated or discharged. He shall also file and record all notices of sales published by him, together with his own affidavit, or that of the publisher or foreman of the official paper, of the publication of such notices, and of all other notices which have been given by him; and he shall keep a record of all certificates and conveyances made by him under section one hundred and seventy-three of this act. When land has been sold for the nonpayment of city taxes prior to the twelfth day of May, eighteen hundred and eighty, and no deed or declaration of sale has been granted on such sale, the owner of such land may pay to the assessor the amount of the face of such sale, and the land shall, from date of such payment, be free from any lien of said tax sale. The owner of any certificate of sale, the amount of which may have been paid to the assessor, as aforesaid, shall, upon surrender thereof, and upon due proof of ownership, be entitled to receive from the city the amount so paid without interest.

§ 190. When it shall be discovered that the proceedings in ordering or levying any tax, or in ordering or making any assessment, have been so irregular as to render them illegal and void, the council may annul them, or may annul all of them subsequent to and including the irregularity, and may begin the proceeding anew, or from the point where the irregularity occurred.

§ 191. When any lands are imperfectly described in any tax or assessment-roll, the council may direct the assessor to correct the description.

§ 192. The assessor, at any time before the lands are advertised for sale for the nonpayment of the tax or assessment, and not after, may correct the imperfect description.

§ 193. A mortgagee of lands situate in the city, who resides out of it, may appoint an elector of the city as his tax agent, in the manner provided in this act. Upon the presentation of such appointment to the assessor, he shall file the same, and register the names in a book to be kept by him for that purpose.

§ 194. The holder of a certificate of sale shall be allowed twenty-five cents for every notice to redeem necessarily served, twelve cents for every affidavit necessarily made and filed, and the amount actually and necessarily paid for publication, postage and searches, not exceeding ten dollars for a full and complete tax and title search, and two dollars and fifty cents for a continuation of such search. In case the city of Buffalo be the holder of such certificate of sale, such notice to redeem shall be served by a clerk, under the supervision of the assessor, and the fees allowed and collected for such service shall belong to the city of Buffalo. When the same person holds more than one certificate of sale on the same parcel of land, he shall be allowed for but one search. He shall make out a bill of the allowances claimed by him in items, naming the persons on whom the notices were served, and stating who was served as owner, mortgagee or occupant, and shall annex to it his affidavit that the charges in the bill are just and were necessarily incurred, and that the notices charged were not served upon any person whom the law does not require to be served. He shall

annex such a bill to a copy of the certificate of sale, and file the same with the assessor. If there be any dispute in respect to the bill, the assessor shall adjust it. If any redemption is made after the expiration of nine months from the sale, and before a bill of the allowances claimed has been filed, the person redeeming shall deposit with the assessor ten dollars. The assessor shall, with said ten dollars, pay the bill of allowances, when filed, which shall in no case exceed that sum, and return the surplus, if any, to the party who deposited it, on demand.

§ 195. If any person having a lien by mortgage or judgment upon lands sold for taxes, or assessments, shall redeem them from the sale, he may add the amount paid to redeem to his mortgage or judgment, and enforce it with interest as part thereof.

§ 196. Any person may pay one or more taxes or assessments upon such property, leaving others unpaid to be enforced in the manner provided in this act.

§ 197. The council shall designate three or more of its members who shall constitute and be called the board of settlement and collections of arrearages of unpaid taxes of the city of Buffalo.

§ 198. Said board shall have power and jurisdiction, and it shall be its duty in all cases presented to it by the assessor of the city of Buffalo, where any tax sale certificate owned by said city and issued under and pursuant to any tax sale heretofore or hereafter held for the collection of taxes or assessments of said city of Buffalo levied or imposed, or attempted to be levied or imposed

on any land in said city, remains unredeemed, unpaid and in arrears, to examine into and fix, adjust and determine as to each parcel of land how much of such arrearages shall, in the way of tax or assessment, in fairness and justice, now presently be laid, assessed and charged against and actually collected from said land. And in arriving at its judgment as to what shall be fair and equitable, as above provided, said board shall consider said unpaid tax and assessments without any want of jurisdiction, irregularity or defect in any of the proceedings had for the levying, imposing or confirming any of said taxes or assessments, and without regard to whether or not said lands have been sold for the nonpayment of said taxes and assessments, or whether or not said tax sales were void or whether or not said taxes or assessments, or said tax sales, have ceased to be valid and subsisting liens upon said lands. The amount of all taxes and assessments for which certificates of sale or tax deeds have been given to and are held by the city of Buffalo or which may be assigned or quitclaimed to the city of Buffalo, whether the same are valid or invalid, shall be deemed to be in arrears within the meaning of this section and to have been so in arrears from the date when said taxes and assessments were levied. If, in the judgment of said board, it is not deemed expedient to include in its adjustment or determination any tax or assessment, or tax sale, or tax deed, the same shall not be so included. The taxes and assessments heretofore levied are hereby ratified and confirmed.

§ 199. The said board may cause to be made a tax and title search of each parcel of land where, in the judgment of said board, the taxes and as-

sessments levied, or attempted to be levied, on said parcels of land, or any of them, cannot be collected promptly, fully or effectually under the existing laws applicable to the collection thereof; and for such purpose, said board may employ such persons as may be necessary.

§ 200. At least thirty days before a hearing shall be given by said board, as hereinbefore provided, said assessor shall cause to be served upon the persons, mortgagors and holders of city tax sale certificates, other than the city, of each parcel of land to be considered at such hearing, a notice stating that the unpaid city taxes and assessments, and tax sales on said parcels of said land, will be examined, and that a hearing will be given to all interested parties, and that the amount that should be in fairness and justice laid and assessed and charged upon said land will be so laid, charged and assessed. Such notice shall be directed to the persons above named, if known, and shall describe such parcel of land, briefly, by a reference to the assessor's maps and surveys, or otherwise, and shall state the time and place of hearing. Such notice shall be served personally upon such persons aforesaid, if they are known and reside in the county of Erie and state of New York. If such persons do not reside within the county of Erie, state of New York, notice shall be mailed to them at their known place of residence, and if the owners are not known, or the place of residence of the owners is not known, said notice, directed to said persons, if known, and to unknown owners if unknown, shall be published twice a week for two weeks in the official paper of the city of Buffalo. Said publication shall commence at least thirty days before the

hearing. Any number of parcels of land may be included in one notice.

§ 201. Said board shall meet at the time and place specified in said notice, and before considering said taxes and assessments shall receive and examine the proofs of service of said notices, and if the same are satisfactory, or if the owners of the parcels of land shall personally appear before said board, said board shall proceed to examine into said taxes and assessments. It shall be the duty of said assessor to furnish to said board proof of said taxes and assessments, and said assessor may require the attendance and services of the corporation counsel of said city, or one of his assistants. The owners of any parcel of land, or the mortgagors or holders of tax sale certificates aforesaid, or any person who has an estate or interest therein, may appear before said board, in person or by counsel, and may present objections to said arrearages of taxes and assessments, and their reasons why the same, or any part thereof, should be reduced or remitted, which objection shall be heard and considered by said board. Said board, whenever it is deemed necessary, shall have power to subpoena witnesses and examine them, under oath, in relation to all matters concerning said arrearages of taxes and assessments; and the failure or refusal of any witness to answer any proper question concerning said matters shall be deemed a contempt of court. A majority of the members of said board shall constitute a quorum for considering said arrearages of taxes and assessments and for the hearing of any objections thereto, and shall concur in fixing the amount to be charged upon or against any parcel of land. Said board may adjourn from time to time as may



be necessary, and may proceed with its hearings upon such adjourned days. If the taxes and assessments were levied, or attempted to be levied, upon a tract or parcel of land which has since been divided or subdivided, said board shall apportion such part of said taxes and assessments upon the land under consideration as it may deem just and equitable, and the amount so apportioned shall be deducted from the tax or assessment upon the remaining portion of said land.

§ 202. Before tax sale certificates for the sale of said lands or tax deeds of said lands, which are held by persons other than said city of Buffalo, shall be included in the adjustment or determination of said board as aforesaid, said city shall procure an assignment to itself of said tax sale certificates or procure quitclaim deeds of said lands upon such terms as may be agreed upon. But the selling of said land for the nonpayment of taxes and assessments, or the assignment of any tax sale certificate or the giving of a tax deed by said city to any person, shall not be deemed a waiver of the right to impose and levy a tax in lieu and instead of the arrearages of taxes and assessments which were assessed or attempted to be assessed upon said land prior to said sale or assignment or the giving of said deed.

§ 203. Said board shall keep a record of its decisions in which shall be entered its determination as to the amount to be charged and assessed upon and against each parcel of land as aforesaid and shall file a certificate with the assessor of said city of Buffalo stating the amount so determined upon, and its determination in respect thereto shall be final and conclusive upon all the persons

owning or having an interest in or lien upon said lands and against all persons whomsoever, unless reviewed by a writ of certiorari as hereinafter provided, and the amount so fixed, determined and certified by it in each case shall thereupon become and be a valid and binding city tax and assessment and lien for such sum, on the lands so designated, in lieu and instead of outstanding claims of said city of Buffalo for arrearages of taxes and assessments levied or confirmed, or attempted to be levied or confirmed, which were included by said board in its adjustment or determination as aforesaid, which lien shall have priority over all other liens, claims or demands whatsoever, except taxes and assessments subsequently levied. It shall be competent for said board to include in any certificate its several determinations respecting as many parcels of land as may seem to it convenient. Said taxes and assessments shall not impose any personal liability upon the owners of or any persons interested in said land.

§ 204. The decision of said board may be reviewed by certiorari within one month after the filing of the certificate with said assessor as aforesaid. The practice in said proceedings shall be governed by the code of civil procedure, except that the return to the writ of certiorari shall not be deemed conclusive, and said proceedings may be heard at a special term of the supreme court, or may be referred to a referee, and testimony may be taken.

§ 205. Upon the delivery to said assessor by said board of its said certificate the amounts of said taxes and assessments and liens so fixed and certified in respect to the said several parcels of

land included in said certificates shall be due and payable and shall be collected by said assessor, without interest, until the same are added to the annual assessment-rolls for said city as hereinafter provided.

§ 206. If any of the said taxes or assessments shall not have been paid to said assessor, at the time of making the next annual assessment-rolls for city purpose after the receipt of said certificates, they shall, if received prior to the first day of May, be included by said assessor in said assessment-rolls in a separate column opposite the several parcels of land upon which they have been so assessed and the same shall be considered in all respects a city tax or assessment for said year and the same amount of interest, additions, penalties and fees shall be added to the same as are added to other city taxes and the same shall be collected and enforced by a sale of said land in the same manner as other city taxes and assessments are collected and enforced; and all provisions of the charter of the city of Buffalo relating to taxes for assessments and the proceedings to enforce the collection thereof by sales of the land upon which they are liens, and all the provisions of law relating to the redemption of said lands from said sales, and the proceedings to foreclose or cut off the right of redemption of persons interested in said lands, and the giving of deeds of said lands to the purchasers at tax sales, except as the same may be inconsistent with the provisions of this act, shall be applicable to the taxes and assessments levied by said board as aforesaid.

## TITLE VI.

## OF EMINENT DOMAIN.

§ 215. The city shall have power to take lands for public buildings, parks, public grounds, squares, streets, alleys, fountains, canals, basins, slips and other public waters, docks and for any other corporate purpose or object, and to take proceedings to perfect its title where title has been acquired or attempted to be acquired, and has been found to be invalid or defective, and the latter proceeding may be joined with any new proceeding for acquiring lands for a similar purpose.

§ 216. Whenever any work or improvement authorized by section three hundred and sixty of this act shall be undertaken, the city may take for the purpose thereof, as provided in this act, lands held or used for public purposes by any corporation having the power of eminent domain, or otherwise held or used for public purposes; but in such case only such interest or easement shall be taken as may be necessary for carrying out such work or improvement, and to that extent, such taking is hereby authorized.

§ 217. Any number of separate parcels of land owned by the same or different persons or corporations, or in which the same or different persons or corporations have an interest, whether contiguous or not, may be included in one and the same proceeding under this title.

§ 218. If at any time a proceeding to take lands as in this title provided shall be found defective or insufficient, the city may proceed anew to take

such lands in the same manner as if no prior proceeding had been begun, and if in possession, the city may continue in possession of such lands until the final conclusion of such new proceeding and the court may stay all actions or proceedings against the city on account thereof.

§ 219. When it shall be intended to take any lands for any of said purposes or objects, the council shall require the assessor to ascertain and certify the district that will be benefited thereby, and will be assessed therefor, and the council shall not adopt any resolution declaring its intention to take such lands until the report of the assessor has been received and confirmed. The council shall thereupon, by resolution, declare such intent, and describe the lands intended to be taken, and shall at the same time declare whether the expense of the same shall be paid by the general or local fund, or in part by a local fund, and if wholly or partly by local fund, define the district that will be assessed therefor. Upon such resolution becoming of force, the city clerk shall cause the same to be published in the official paper daily for two weeks.

§ 220. Within three months after the expiration of the said publication, the council may declare by resolution that the city has determined to take such lands for the purpose specified in such resolution.

§ 221. Upon such resolution becoming of force, the corporation counsel shall give notice that the city has determined to take the lands therein described for the purpose stated, and that on a specified day he will apply to a court, to be held on that

day, in the city, naming the court of record to which such application is to be made, for the appointment of three commissioners to ascertain the just compensation to be made for such lands, by publishing such notice daily for two weeks in the official paper, by leaving a copy thereof at each inhabited building on such lands with a person of full age, and by serving a copy thereof personally on each person who by the records of the Erie county clerk's office appears to be the owner or mortgagee of such lands or any part of them, or by depositing it in the post-office in the city, with the postage prepaid, addressed to him at Buffalo, at least ten days before the time when the application is to be made. If any such owner or mortgagee has an agent registered as provided in this act, the notice, when not personally served on such owner or mortgagee, shall be served on such agent personally, or by depositing it in the post-office addressed to him.

§ 222. At the opening of such court on the day designated in the notice, or as soon thereafter as he can be heard, the corporation counsel shall, upon presenting a copy of said resolution, certified by the city clerk, and proof of the giving of said notices as aforesaid, apply to such court to appoint such commissioners. Such court shall hear such application, and may appoint three commissioners to ascertain the just compensation to be made for such lands.

§ 223. If an attorney-at-law shall appear for any person in such proceedings, and serve notice thereof upon the corporation counsel, he shall be entitled to notice of all subsequent proceedings. The corporation counsel shall cause the order

appointing the commissioners, together with a notice of the pendency of the proceeding directed to all persons upon whom service has been made, as provided in section two hundred and twenty-one of this act, to be filed in the office of the clerk of the county of Erie, who shall record the same in like manner as notice of pendency in an action to foreclose a mortgage. When any proceeding of appraisal has been commenced no change of ownership by voluntary conveyance or transfer of the real estate or any interest therein shall in any manner affect such proceedings, but the same may be carried on and perfected as if no such conveyance or transfer had been made. In case any such proceedings shall be at any time discontinued, the court in which the same shall have been originated may, upon the application of any person interested, with or without notice to the persons who have appeared therein, as it shall determine, make an order directing the cancellation of such notice of pendency of such proceeding, which shall be filed in the office of the clerk of the county of Erie, and thereupon the clerk of said county shall cancel and discharge of record such notice of pendency.

§ 224. If any commissioner shall die or be disqualified or excused by the court from serving, the court, upon application of the corporation counsel, may appoint another in his place. In all cases of appraisal under this act, when the mode or manner of conducting all or any part of the proceedings consequent thereon are not expressly provided for by this act, the court before which such proceedings may be pending shall have the power to make all necessary orders and give all the proper directions to carry into effect the ob-

ject and intent of this act. The practice in such cases shall conform, as near as may be, to the ordinary practice in such court. The court may, from time to time, upon the application of the corporation counsel, with or without notice, as the court may direct, extend the commissioners' time to make and file their report until such time as the court may fix, and such order shall take effect upon the filing thereof. The proceeding of the city in exercising the right of eminent domain shall not be enjoined, restrained or interfered with by any order or mandate of any court or judge.

§ 225. The commissioners, before they enter upon their duties, shall take and subscribe an oath that they will faithfully perform their duties, and will ascertain and report the just compensation to be made for the lands. Any of them may issue subpœnas and administer oaths to witnesses. A majority of them may adjourn the proceedings before them from time to time in their discretion. They shall appoint a time and place for the hearing. They shall view the lands, and hear all legal evidence offered by the city or any person interested in the lands. They shall ascertain the just compensation to be made to the owners of, and to the persons interested in, the lands; and they shall, within sixty days after their appointment, make a report to the court which appointed them, by filing the same, together with their oath, with the clerk of such court. The report shall be signed by all of the commissioners.

§ 226. If the commissioners shall not be able to agree, they shall certify the fact to the court, which may, upon the application of the corporation counsel, appoint new commissioners.



§ 227. Upon the filing of the report of the commissioners the corporation counsel shall communicate the fact of such filing, stating the whole amount of the awards to the council. The council may, at or after the second regular meeting thereafter, by resolution, direct that the corporation counsel shall apply to the court for the confirmation of said report or for the discontinuance or abandonment of said proceeding, and the corporation counsel shall comply with such resolution. Such action of the council shall be taken within three months from the time when the filing of such report shall have been communicated to it by the corporation counsel. In case the corporation counsel shall apply for the discontinuance or abandonment of such proceeding, the court shall ascertain and determine the reasonable and necessary expenses and disbursements incurred by each person who has appeared in said proceeding, either in person or by attorney, and the same shall be paid to such persons by the city. The city shall pay all taxes and assessments which shall be levied or assessed after the confirmation of the report upon any of the property taken as herein prescribed. Upon the coming in of the report of the commissioners the court may confirm the report or annul it, or refer it back to the commissioners, or to new commissioners to be appointed by it. If the court shall confirm the report of the commissioners, the order of confirmation shall recite the proceedings, and describe the lands taken, and shall be conclusive upon the city, and upon the owners of and all persons interested in the lands.

§ 228. The clerk of the court shall make up a roll of such proceedings, by attaching together all

the reports therein filed in his office, and a copy of all orders made therein by the court.

§ 229. The order of confirmation shall be recorded in the office of the clerk of Erie county, and in the office of the city clerk, and such record, or a copy thereof certified by the clerk, shall be the evidence of the facts therein contained.

§ 230. The commissioners shall be paid by the city ten dollars per day as compensation for their services upon filing their report, or their certificate of disagreement, and the court may, in addition, allow to the commissioner who drew up the report a reasonable compensation, not exceeding the sum of fifty dollars.

§ 231. Upon the confirmation of the report of the commissioners, the council shall ascertain the amount of money required to pay the compensation awarded and the cost of the proceedings. The amount which is to be raised by general tax shall be included in and raised in the general tax next thereafter to be levied. The amount which is to be raised by local assessment it shall cause to be assessed upon the real estate benefited, in accordance with the declaration of intention.

§ 232. Within one year after the confirmation of the report of the commissioners, the city shall make to the persons to whom compensation shall have been awarded by the commissioners the compensation awarded to them respectively. In case any such person shall refuse the same, or be unknown, or incapacitated, or the right to the compensation is disputed, or be doubtful, the city may pay the amount of such compensation into the court in which the proceedings to take the lands

were had, with a statement of the facts and circumstances of the same. The court shall have power to order the investment of such money, to ascertain who is entitled to it, or any and what part of it, and to order its payment accordingly. Upon making to the respective persons the compensation awarded to them, or paying the same into court as aforesaid, the fee of the lands taken shall vest in the city. If the amount necessary to make such compensation has not been realized by the city, it may borrow the same temporarily.

§ 233. When any lands of any person to whom compensation is awarded for an interest in lands taken by the city, or of any person acquiring title under such person subsequent to the filing of the notice of pendency herein provided for, shall be assessed to pay such compensation, the court in which the proceedings were had may, upon the confirmation of the assessment, and upon the application of such person, or the city, set off the amount of such assessment and the amount of such award, and certify the balance.

§ 234. When any real estate, subject to any lease or other agreement, shall be taken by the city under this title all the covenants and stipulations contained in such lease or agreement shall, upon the expiration of one year from the confirmation of the commissioners' report, determine and be discharged; and when a part only of any real estate shall be so taken, the said covenants and stipulations shall be so discharged only as to the part taken; and the court in which the proceeding was had may, on application of any party in interest to such lease or agreement, and after a notice in writing of eight days to the other par-

ties interested, appoint three commissioners to determine the rents, payments and conditions which shall be thereafter paid and performed under such lease or agreement, in respect to the residue of such real estate; and the report of the said commissioners on being confirmed by the court shall be binding and conclusive on all persons interested in such real estate.

§ 235. The city may take in fee for public streets, alleys and squares, the lands situate within the boundaries of any of the public streets, alleys and squares in said city, which have been or shall have been used as public streets, alleys or squares for more than ten years, and for that purpose may include in one proceeding any number of streets and alleys, or parks, squares or public grounds.

§ 236. The proceedings to take lands under the preceding section shall be pursuant to the provisions of this charter, except that no other service of notice required by section two hundred and twenty-one of this act shall be necessary than the publication thereof; the lands situated within the bounds of any street or alley, or any part thereof, or of any number of streets, may be included in one proceeding, but nothing in this or the preceding section contained shall authorize said city to divest any existing right to lay down or maintain any pipes or railroads and appurtenances in, upon or across said streets or alleys.

§ 237. If for any reason the city shall have failed to appropriate any land required by it for public use, or to appropriate any part thereof to such use, or shall have abandoned such use, the

council may authorize the sale, release and conveyance, under the hand of the mayor and the corporate seal of said city, of any such lands, or any part thereof, after the parcel sought to be sold shall have been appraised, as hereinafter provided, upon payment of the amount at which the interests of the city in said lands shall have been appraised.

§ 238. Whenever it shall be represented to the council that lands designated in the foregoing section have not been appropriated for the purposes for which they were acquired, and that the same can be sold, the council may, by resolution, direct the interest of the city in such land to be appraised in the same manner as prescribed in the general laws of the state for the condemnation of property, which proceeding may be conducted by any party desiring to acquire title to any such lands at his own expense, and the report of the appraisers appointed by the supreme court for the purpose of fixing the value of the interest of the city in said premises to be filed in the office of the clerk of Erie county, and the sum found by said appraisers as the value of the interest of the city in the premises appraised shall be the amount of the compensation to be paid for the release and conveyance of said land by the party making application for such appraisal.

§ 239. Upon the application for the appointment of commissioners to appraise the interest of the city as provided in the foregoing section, the petition shall contain a particular description of the land sought to be appraised.

§ 240. The council may by resolution direct the sale of any land acquired by the city for public

use, and which it has failed to appropriate or cease to use for the purpose of such uses, at public auction to the highest bidder. Notice of the time and place of such sale, together with a short description of the property, shall be published twice a week for three weeks in the official paper of the city, and no appraisal thereof shall be made or deemed necessary in cases of sale under this section, unless an application has been made as provided in section two hundred and thirty-eight of this act before the passage of a resolution of the council directing the sale of premises under this section.

§ 241. The provisions of this act shall not be so construed as in any manner to affect or apply to the land taken by the city of Buffalo, or the Dodge farm, so-called, for the purpose of a reservoir.

§ 242. In cases, however, where assessments have been offset against awards for the value of the property taken, the council may authorize the release and conveyance by deed to be executed by the mayor, and under the seal of the city of the interest of the city in such lands, or parts thereof, to the parties interested therein who are equitably entitled to such conveyance, upon payment by them to the city of the moneys expended by the city in the purchase or the taking of said lands or ratably in proportion to such parts thereof with interest thereon, from the time of such expenditure, or upon such other terms and conditions as the council shall deem best for the interests of the city. In case the city of Buffalo shall at any time abandon the public use of any lands appropriated by it for public use, or shall be about to abandon

such use, the council may authorize the conveyance under the hand of the mayor, and the corporate seal of said city, of any such lands or any part thereof so abandoned or about to be abandoned, in exchange for other lands substantially of equal value required by said city for a like public use.

§ 243. The provisions of the code of civil procedure relating to eminent domain shall not apply to the city of Buffalo where the same are inconsistent with the provisions of this act.

## TITLE VII.

### DEPARTMENT OF PUBLIC SAFETY.

#### ARTICLE I.

##### DEPARTMENT OF POLICE.

§ 250. There shall be a department of police, which shall be a subordinate department of the department of public safety, and which shall have charge of all police matters of the city. No person holding office in this department shall be liable to jury or military duty. The government and discipline of the department shall be prescribed by the council in form of orders, rules and regulations for such department; such rules and regulations in force at the time this act takes effect shall continue in force until otherwise prescribed by the council. The orders, rules and regulations of the council relating to this department shall have the same force and effect as if herein especially enacted, provided they are not in conflict with the laws of the state. The mayor shall

designate the number of patrolmen to be assigned to each precinct and shall divide the sergeants and patrolmen of such force (but not including detective sergeants) who may be on duty in the open air, on the streets or other public places of the city, into three platoons. No one of such platoons nor any member thereof shall be assigned to more than one tour of duty; such tour of duty shall not exceed eight hours of each consecutive twenty-four hours, nor more than eight hours of reserve duty of each consecutive seventy-two hours excepting only that in the event of strikes, riots, conflagrations, or occasions when large crowds shall assemble or other similar emergency, or on the day on which an election authorized by law shall be held, or for the purpose of changing tours of duty, so many of said platoons or of the members thereof may be continued on duty for such hours as may be necessary.

§ 250-a. The tours of duty of sergeants, and patrolmen (not including detective sergeants) on duty in the open air, on the streets or other public places of the city, shall be changed at least once in each calendar month; provided, however, that the tour of duty of such platoons and each member thereof, and the manner of changing such tours of duty may, at the election of the local authorities having the management, control or direction of the police force, be and continue as the same were in force and in operation on December thirty-first, nineteen hundred and ten.

§ 250-b. Policemen, while on reserve duty as mentioned in the first section of this act, shall not be required to render any service except in case of an emergency, and shall be free to retire for



sleep during reserve duty in their station house, subject to call in case of an emergency. For the purpose of this act, an emergency shall be defined as enumerated in section number two hundred and fifty of this act.

§ 250-c. The mayor, superintendent of police, chief of police, or other officer or officers having the management, control or direction of the police force, and any inspector, captain, lieutenant, sergeant or desk-sergeant of the police force who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed by law.

§ 250-d. Members of the police force shall not be required to wear uniform when not on actual patrol duty, except in case of an emergency as defined and enumerated in section two hundred and fifty of this act. The mayor shall annually grant to each member of the department a vacation of not less than fourteen successive days with pay; he shall also grant to each member of the department one day's leave of absence with pay in each month beginning at six o'clock in the evening of the one day and ending at six o'clock in the evening of the following day when such leave of absence is granted. The mayor shall have the power and authority to suspend such leave of absence when public demands are such as to require the aid and assistance of such members. The council shall grant to each member of the department when disabled by sickness half pay for the time that such sickness shall exist provided it be for no longer time than six months, and shall grant to any member of the department who shall have become disabled while in the performance of

duty full pay until he shall become able to resume his duty provided it be for no greater time than one year.

§ 251. The officers and other members of the police force, who are in office when this act takes effect, shall continue in office and hold their respective positions, unless reduced in rank or removed pursuant to the provisions of this act. All members of the police force, clerks, and employees, except the chief of police, shall hold office during good behavior, and no member of the police force or department, except the superintendent of police, or chief of police, shall be removed, reduced in rank, suspended, fined or otherwise punished or disciplined except upon written charges specifying in detail the accusation made. Such charges shall conform to the rules and regulations adopted by the head of the police department. A copy of such charges shall be reserved upon the accused officer and he shall be accorded a reasonable time in which to prepare for the hearing; he shall be entitled to be present at his trial, to be heard in person and by counsel, and to give and furnish evidence in his defense. All trials shall be open to the public. The board, commission, commissioner or other officer or officers having authority to issue subpoenas to compel the attendance of witnesses at such trial, must, upon the application of the accused officer, from time to time issue subpoenas in blank in the form prescribed by law, and the right is hereby granted to the accused officer, or his counsel, to insert in such subpoena or subpoenas the names of such persons as he desires to attend to give evidence in his defense, and such accused officer shall not be

compelled in advance of the trial to disclose the name of any of his proposed witnesses.

§ 251-a. Nothing herein contained shall prevent the suspension of an officer accused of serious misconduct pending the hearing and determination of the charges made against him, but if such charges are not finally sustained, such officer shall be entitled to receive the same compensation which he would have earned had he not been suspended, but no such suspension shall exceed a period of ten days, and, within said ten days, written charges, as hereinbefore provided, shall be served upon the officer accused and the matter brought on for hearing and determination. In the event that the officer accused requests one or more adjournments, the suspension may extend during the period of time covered by said adjournments.

§ 251-b. In all cases the trial of the accused must be conducted within thirty days from the date when such charges are served upon him, except where the accused requests one or more adjournments of the hearing extending beyond that time. All charges must be determined and decision made in writing within five days after the trial. All causes for complaint against the accused officer in existence or arising prior to the commencement of proceedings against him and not specified in such written charges shall be deemed to be waived, and such officer shall not at any time thereafter be subject to the trial of any such complaints or charges not so included in said written charges; but nothing herein contained shall prevent the amendment of charges so as to contain therein additional specifications, provid-

ing such amendments are made prior to the determination of the other charges. Such amendments shall be in writing and shall be served upon the accused officer, and all the provisions of this act relating to original charges shall apply thereto. All specifications contained in the written charges shall be regarded as but a single complaint for which but one punishment shall be inflicted. No fine of additional duty and no cumulative punishment shall be imposed. No fine shall be imposed which shall exceed a sum equal to twenty days' salary of the officer adjudged guilty.

§ 251-c. After the lapse of two years from the determination that an accused officer was guilty of the charges preferred against him, such determination shall not be considered against said officer upon an application by him for promotion, nor shall it affect, after the lapse of said two years, any right or privilege which such officer would otherwise be entitled to were it not for said determination.

§ 251-d. In case any such officer is aggrieved by the determination of any trial of charges as specified in section two hundred and fifty-one of article one, title seven, of this act, he shall have the right to review such determination in the manner and time prescribed by article seven of title two of chapter sixteen of the code of civil procedure, relating to the writ of certiorari, and upon such review the court is empowered to consider both questions of law and of fact, except that if an appeal is taken to the court of appeals from the determination of the appellate division of the supreme court, the hearing in the court of appeals shall be limited to questions of law only.

§ 252. The council shall possess and exercise all powers conferred by law upon the mayors of cities, and the sheriffs of counties, in requiring the services of the military in aid of the civil authorities to quell riots, suppress insurrections, protect property and preserve public tranquility and the mayor may exercise any of the powers given by this section to the council.

§ 253. The mayor, or the chief of police, shall have power to issue criminal warrants in all cases after entertaining complaints, making the same returnable before a justice of the city court of the city of Buffalo; and they may each commit for examination. Process issued hereunder may be executed by any member of the police force.

§ 254. The members of the police force shall possess within the state of New York all the common law and statutory powers of constables, except that of serving civil process; and any warrant for search or arrest issued by any magistrate of the state may be executed in any part thereof by any member of the force. The actual and necessary expense incurred by any member of the force, when directed by the mayor, chief of police, or district attorney of the county of Erie, in serving or executing any process, or endeavoring to detect, discover, or arrest, or procure the extradition of; any perpetrator of crime against the laws of the state, including the expense of legal counsel without the state, or to discover or reclaim any stolen property, shall be a charge against the county of Erie; and the account of such expenses shall be made out in detail, and verified by the oath of the party to whom the same is due, to the effect that the sums therein charged have been

actually and necessarily paid out by him, and the amount thereof, when audited and certified by the council, shall be presented to the board of supervisors of the county of Erie, to be audited and paid as are other county expenses. For the purpose of providing for the expense mentioned in this section, and for a secret service fund, the council shall advance to the mayor, out of the police fund, such sums as the council shall from time to time determine.

§ 255. Each member of the police force shall have authority, immediately and without process, to arrest and take into custody any person who shall commit, or threaten, or attempt to commit, in his presence, or within his view, or knowledge, any breach of the peace, or any offense prohibited by the laws of this state, or by any ordinance of this city. He shall forthwith convey every person arrested by him before one of the justices of the city court to be dealt with according to law. If no justice is holding court, then the offender may be detained in a station house until a public sitting of a justice of such court before whom he may be tried, or held to bail, and he shall then be conveyed without delay before such justice to be dealt with according to law. While at any station house such person shall be furnished with necessary and proper food, and the council shall include a sum to meet the expense thereof in its annual estimate, and such expense shall be a charge against the county of Erie.

§ 256. Every criminal process issuing out of the city court shall be served or executed by a member of the police force, and not otherwise.

§ 257. The chief of police and captains within their precincts may, by authority in writing, empower any member of the police force, who shall be in search of property feloniously obtained, or of suspected offenders, to examine the books and business premises of any pawnbroker, junk shop keeper, dealer in second-hand merchandise, or intelligence office keeper. Any member of the force so authorized, and having in his possession a pawnbroker's receipt or ticket, may examine the property purported to be pawned or deposited on the receipt or ticket, but no such property shall be taken from the possessor thereof without due process or authority of law.

§ 258. If any two or more householders shall report in writing over their signature, or if any member of the police force shall report, to the mayor that there are good grounds, and stating the same, for believing that any house, room or premises within the city is kept or used as a common gaming house, common gaming room or common gaming premises, for the playing for wagers or money on any game of chance, or is kept or used for any lewd or obscene public amusement, or the deposit or sale of lottery tickets, or lottery policies, it shall be lawful for the mayor to authorize any member or members of the police force to enter the same. The member or members so authorized shall forthwith arrest all persons there found offending against any law and shall seize all implements of gaming, lottery tickets and lottery policies found therein, and convey any person so arrested before a justice of the city court and bring the articles so seized to the office of the chief of police. It shall be the duty of the mayor to cause the arrested person or persons to be rig-

orously prosecuted and the seized articles to be destroyed.

§ 259. The mayor shall cause to be detailed, on the day of any election in the city, and on the night and day following if necessary, one or more patrolmen to each election precinct, who may have access to the room or place in which the ballots are being received and counted. The mayor shall take proper measures to have elections conducted in an orderly and fair manner, as provided by the election law of the state.

§ 260. No person, other than members of the police force, regularly elected constables, or marshals, the sheriff of Erie county, and his duly appointed deputies, shall in the city carry concealed upon or about his person any pistol or revolver, or other dangerous weapon or weapons, without first obtaining a permit from the chief of police, under such regulations and upon the payment of such fee as shall be prescribed by the council. A violation of the provisions of this section shall be a misdemeanor and punishable as such; all fines collected for violations, and all fees paid for permits, shall be deposited to the credit of the police pension fund.

§ 261. The chief of police shall, either personally or through the captains of the respective precincts, subject to such regulations as the council may adopt, issue licenses to residents of the city who own or keep a dog or dogs to permit the same to run at large within the city limits. Each dog must at all times wear a suitable collar, to which shall be attached a tag or plate, to be furnished by the city, bearing the number of the license issued



for it, and all dogs so licensed shall be subject to such provisions of law or ordinances as may be enacted. Such licenses shall be for such term and upon the payment of such sum as may be provided by the council. It shall be the duty of every person residing in the city, who owns or keeps such an animal, to apply to the captain of the precinct in which he resides, or to the chief of police, for a license for such animal; if such person fail to apply therefor, and to take out such license within twenty days after being notified so to do in the manner prescribed by the council, he shall for each offense be liable to a fine of five dollars, to be sued for and collected in the city court upon the complaint of the chief of police or any member of the police force, together with the cost of such proceeding. Any member of the police force is authorized to destroy by any means other than poisoning any such animal not duly licensed, and whose owner is not known, or who fails to comply with this section. All fees received and fines collected hereunder shall be deposited to the credit of the police pension fund; except that the necessary expenses incident to the enforcement of this section may be paid from such fees and fines.

§ 262. Any willful resistance by any person to any member of the police force, while in the discharge of his duties, and any willful or malicious interference with, or destruction, or defacement of any police telegraph line, or any apparatus or street box used in connection therewith, shall be a misdemeanor. It shall also be a misdemeanor for any person not a member of the police force to represent himself to be such a member.

§ 263. The supervisors of the county of Erie are hereby authorized, empowered and required,

from time to time, to levy and raise by taxation all sums of money required to carry into effect the fiscal provisions of this title affecting the county, and necessary for the payment of all sums which by the provisions of this title shall be a charge against the county. It shall be the duty of the county treasurer to pay over to the city such money so raised under the provisions hereof. The council shall furnish annually to the board of supervisors an accurate statement of all moneys paid out during the preceding year, which by the provisions of this title are a charge against the county.

§ 264. The council shall be the board of trustees of the police pension fund mentioned and established in and by this section. The treasurer shall pay over and account for all moneys and property which shall come into his possession as such treasurer. Said council shall have charge of and administer said fund and from time to time invest and reinvest the same, or any part thereof, in such securities as a savings bank organized under the laws of the state of New York may purchase for investment, and is empowered to make all necessary contracts and take all necessary and proper actions and proceedings in the premises. The council is authorized from time to time to adopt and amend rules and regulations not in conflict with this act, for the disposition, investment, preservation and administration of said fund. The treasurer of said fund is authorized upon the order or warrant of the council to make payments from such fund of pensions, granted in pursuance of this act, and also pensions now charged on said fund, or any part thereof, by or under prior or existing laws; and said council shall be the legal

successor of the board of trustees of the present police pension fund in office at the time this act takes effect. The treasurer shall report in detail to the council annually in the month of January the condition of the police pension fund and the items of receipts and disbursements on account of the same, which report shall show the name and residence of each beneficiary and the amount paid to such beneficiary for or on account of said fund. The said police pension fund existing when this act takes effect, and all moneys, bonds, investments, securities, revenues and incomes thereof or belonging thereto, in whose hands soever or wheresoever the same may be, shall be paid over and delivered on demand to the treasurer. The moneys, securities and effects of the police pension fund and all pensions granted, and payable from said fund shall be and are exempt from execution and from all processes and proceedings to enjoin and recover the same by or on behalf of any creditor or person having or asserting any claims against or debt or liability of any pensioner of said fund. Every person who knowingly or willfully in any wise procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for pension or payment thereof shall in every case forfeit a sum not exceeding two hundred and fifty dollars to be sued for and recovered by and in the name of the city, and when recovered to be paid to and thereupon become a part of the said police pension fund. Any person who shall willfully swear falsely on any oath or affirmation in obtaining or procuring or attempting to obtain or procure any pension or payment thereof under the provisions of this act shall be guilty of perjury. The said police pension fund shall consist of the capital,

interest, income, dividends, cash deposits, securities and credits belonging to the police pension fund of the city existing at the time this act takes effect; and all rewards or gifts that may be paid or given to any member of the police force for his services, except when the council shall allow him to retain the same; all moneys arising from the sale of unclaimed goods remaining for the space of one year in the hands of the clerk of the board of police; all moneys received from the sale of any condemned, unfit or unserviceable property, except horses belonging to or in the possession of or under the control of the police department, not exceeding the sum of two hundred and fifty dollars for any one article; all fines imposed by the council upon members of the police force; all fees received and fines imposed under sections two hundred and sixty and two hundred and sixty-one; and all moneys, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any member or members of the police force, for or on account of absence for any cause, lost or sick time, sickness or disability, physical or mental, all of which shall be paid monthly into said fund, and three per centum of the share of the city of all fees for liquor tax certificates issued in pursuance of the liquor tax law and five per centum of all fines and penalties imposed for any violation of the said liquor tax law shall be paid weekly, all of which sum shall be deposited with the treasurer to the credit of said pension fund. From and after the first day of July, nineteen hundred and ten, the council shall quarterly in making the payrolls for the department deduct or cause to be deducted a sum not to exceed two per centum per annum of the respective salaries paid to the persons entitled to share in the police pen-

sion fund, except that the janitress at police headquarters shall be required to pay only the same sum from her salary as is deducted from the maximum salary received by any other janitress and except that members of the fire department who shall become members of the police force shall pay an additional two per centum of their respective salaries for such period of time as they shall have served as members of the fire department, from and after the first day of July, nineteen hundred and ten, and a warrant for the amount of the deductions shall be drawn payable to the order of the treasurer of the police pension fund. Pensions shall be granted by unanimous vote of the council:

(1) To the widow of any member of the police force who shall have been killed while in the actual performance of police duty, or who shall have died from the effects of an injury received, while in the actual discharge of such duty, the sum of not less than three hundred dollars per year so long as she remains unmarried; if there be no widow of such deceased member, then such annual pension shall be paid to his child or children him surviving, if any, so long only as such child or children, or the youngest of said children shall continue under the age of eighteen years. In the event of the death of the widow of such deceased member who at the time of her death is drawing a pension as provided in this act, then such annual pension shall be paid to the child or children of such deceased member of the police department, if any, so long only as such child or children, or the youngest of such children shall continue under the age of eighteen years. No pension shall be paid under this title to any child over eighteen years

of age. And if there be no such widow, child or children of such deceased member, then such pension shall be paid to his parent or parents, provided such parent or parents were dependent upon such deceased member for support, and such time only as such pension shall be necessary for the support of the parent or parents.

(2) The council shall retire and shall grant a pension to any member of the police force who while in the actual performance of police duty, and by reason thereof and without fault or misconduct on his part, shall be injured or become permanently disabled, physically or mentally, so as to unfit him for the performance of full police duty, the amount of which pension shall not be less than one-fourth of the salary or compensation per year received at the time of such retirement and shall not exceed the sum of six hundred dollars annually. Police matrons who become totally disabled, physically or mentally while in the service of the department, shall be entitled to a pension of not less than one-fourth nor more than one-half of their annual salary or compensation, except that the janitress attached to police headquarters shall not receive a pension of less than one hundred and fifty dollars nor more than three hundred dollars per annum.

(3) The council shall retire and shall grant a pension to any member of the police force who, by long service and exposure while in the actual service of the department, shall have contracted without fault or misconduct on his part any disease or disability which permanently incapacitates him from performing full police duty; such pension shall be in the sum of twenty-four dollars for each year of service, not exceeding, however,

the total sum of six hundred dollars. Pensions on account of disability or injury shall be granted only upon the affidavit of the surgeon of the police to the effect that such injury or disability exists and is permanent. If, however, the person with reference to whom the affidavit is made is dissatisfied with the conclusions therein set forth, either as to the existence or nonexistence of the injury or disability or the character of the same, he may file a statement to that effect with the council within thirty days after the filing by the surgeon of police of said affidavit with the council, and thereupon the council shall select two competent physicians and surgeons and the certificates signed by them and verified by their oaths shall be final and conclusive as to the matters in said certificates set forth for a period of one year thereafter, and shall be accepted in lieu of the affidavit of the surgeon of police, in so far as it certifies to the existence of an injury or disability of a permanent character. The fee of each physician and surgeon shall be paid by the person examined. The police matrons and janitresses shall be granted the privileges of this fund, so far as it relates to their children. On and after the first day of July, nineteen hundred and thirteen, upon the application of any member of the police force, of rank higher than that of sergeant, who shall have served twenty-five years in the police department, the council shall retire and shall grant a pension to said person; said pension shall be in the sum of seven hundred dollars per annum for twenty-five years of service and shall be increased in the sum of twenty dollars per year for each year of service in excess of twenty-five years until the amount of eight hundred dollars per annum is reached. On and after the first day of July, nineteen hundred and thir-

teen, upon the application of any member of the police force equal to or below the rank of sergeant, or any janitress employed by the department of police, who shall have served twenty-five years in the police department, the council shall retire and shall grant a pension to such member; such pension shall be in the sum of six hundred dollars per annum except in the case of janitresses, who shall each receive as such pension the sum of three hundred dollars per annum. Nothing herein contained shall affect the claim of any annuitant to whom any annuity has heretofore been allowed from the police life insurance fund or the police pension fund, but such annuity shall be paid by the treasurer out of the police pension fund, so long as the council shall so direct, the same as if the claim thereto had arisen subsequent to the time when this act shall take effect. And the council may, in its discretion, and by a majority vote and in accordance with the provisions of this act, grant pensions to widows of deceased members of the police force, and to annuitants under the police life insurance fund or police pension fund, where death or retirement has occurred prior to the passage of this act, and has been caused by disability acquired in the service of the department. In computing the time of service of any member of the police force for the purpose of this section, the term of service of such member on any regular police or fire department force of the city or upon the park police force of the city as formerly constituted, shall be taken the same as service on the police force of the city, and it shall not be deemed necessary for the purposes of this section that such service shall have been continuous. In computing the time of service of all members of the police force for the purposes of



this section, the term of service which they shall have served as employees of the police department previously to being made members of the police force. shall be computed and allowed the same as service rendered on the police force of the city. All officers who are retired under the provisions of this act and who are drawing pay from the said pension fund may, when able to act, perform duty in case of emergency, and may be accepted to perform temporary duty by the commissioners when satisfied that they are able to serve. While so serving on temporary duty they shall be entitled to receive compensation to be fixed by the council, in addition to their pension, which shall not be in any manner affected by such temporary service. Except as hereinbefore in this subdivision provided, no person drawing a pension pursuant to the provisions of this title shall receive other or further compensation for any services rendered as an officer or employee of the state of New York or of any municipal corporation therein. Provided, however, that any such person may accept a position as officer or employee of said state of New York or any municipal corporation therein, but shall not be entitled to receive any part of the pension money provided by this title during the time such person is holding such state or municipal office or employment. All pensions provided for herein shall be payable monthly. Nothing contained in this act shall be construed to entitle any janitress to receive a pension exceeding three hundred dollars per annum.

§ 265. (1) All money or property alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and thereafter taken into the custody of any member of the police force,

or of any criminal court in the city, or which shall come into the custody of the city court, shall be by such member or justice, or by order of said court, given into the custody of and kept by the police department, and shall be particularly registered in the book kept for that purpose, which shall also contain a record of the names of the persons from whom such money or property was taken, and of the claimants thereof, the time of its seizure, and the final disposition thereof.

(2) Whenever property or money shall be delivered to the police department, as aforesaid, and the magistrate or court, before the case shall be heard, shall be satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, such magistrate or court shall thereupon, in writing, order such property or money to be returned to such person, and the police department, if it have it, shall deliver such property or money to the accused person himself, and not to his attorney, agent or clerk.

(3) If any claim to the ownership of such property or money shall be made on oath, before the magistrate or court, by, or on behalf of, any other person than the one arrested, and the accused person shall be held for trial or examination, such property or money shall remain in the custody of the department until the discharge or the conviction of the person accused. If the person accused shall be held for trial or examination, and shall be afterwards tried upon the charge of having feloniously taken or obtained such property from the person by whom, or on whose behalf the claim shall be made, and shall be convicted on such charge, then such property shall be delivered to

the claimant, or his duly authorized agent, upon the certificate of the district attorney of Erie county, or his deputy, or the judge or magistrate who presided at the trial at which such conviction was had. If the accused person shall be tried and shall be acquitted and discharged, then the council may, upon the certificate of either of the above-named officers, direct the property to be redelivered to the accused person, on his making oath that he is entitled to its possession. If the accused person shall not demand the property and make the oath, or if the council shall be satisfied that he is not entitled to the possession of the property, the property shall be advertised and disposed of in the manner hereinafter provided. The provisions of this subdivision shall not apply to cases provided for in subdivision two of this section.

(4) All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom the same was taken, and all property and money, taken from pawnbrokers as the proceeds of crime, shall as soon as practicable, be transmitted to the police department to be by it duly registered. The department shall give notice that it has received such property by publishing such notice in the official paper once a week for three weeks. At the expiration of the three weeks, the council shall determine what person is lawfully entitled to the possession of the property, and shall direct the return of the same to him. It shall be delivered by the police department as directed by the council. If the person from whom such property shall be taken shall be a nonresident of the city, and the council shall determine, upon examination, that

the circumstances are not such as to justify the detention of the property, then it may direct it to be re-delivered to such person before the expiration of the three weeks.

(5) All lost property coming into the possession of any member of the police force, and all property taken by any member of the force from any person supposed to be insane, intoxicated, or otherwise incapable of taking care of himself or herself, shall, as soon as practicable, be transmitted to the police department, to be duly registered, and shall be delivered to the owner or person entitled to its possession, upon proof to the satisfaction of the chief of police, that such person is the owner or entitled to the possession of the property.

(6) When money or property shall remain in the possession of the police department for six months unclaimed, or where the council or the chief of police shall not have directed it to be delivered to any person, the department shall publish a notice in the official paper once a week for three weeks, that it holds the same. If no person lawfully claims the property the department shall sell it at public auction, giving notice of the time and place of such sale, by publishing the sale daily for one week previous thereto in the official paper of the city. The proceeds of such sale, and any unclaimed money shall become a part of the police pension fund.

(7) Any property or money in the custody of the police department, desired as evidence in any criminal proceeding, shall be temporarily delivered for that purpose to any officer who shall present an

order therefor from a court, magistrate or district attorney.

(8) When conflicting claims shall be made to any property in the custody of the police department, under the provisions of this section, the council may require from any claimant, as a condition of the delivery of such property to him, that such claimant execute and deliver a bond, with sufficient sureties, to be approved by said council, conditioned to indemnify and save harmless the said council and each and every member thereof and the city from and against all suits, judgments, demands, causes of action, cost and damages of every nature and description by reason of, or in any manner growing out of the delivery of such property to such claimants, and from and against the payment of any and all sums of money which the council or the city may be compelled to pay by reason of such delivery; such bonds shall be in such form as the council shall prescribe, and shall be executed to the city as the obligee therein; and for any breach of the condition thereof an action may be maintained thereon in the name of the said city as plaintiff, and any recovery thereon shall be in the name of said city, but for the benefit of the council, if as to them the said breach shall have occurred.

## ARTICLE II.

### DEPARTMENT OF FIRE.

§ 270. There shall be a department of fire, which shall be a subordinate department of the department of public safety. The government and discipline of the department shall be pre-

scribed by the council in the form of rules and regulations, and such rules and regulations as are in force at the time this act takes effect shall continue in force until otherwise prescribed by the council. The council may at pleasure remove the chief of the fire department at any time; it may also remove any other officer or member of the fire department, but no member, except the chief of the fire department, shall be removed, reduced in rank, suspended, fined or otherwise punished or disciplined except upon written charges specifying in detail the accusation made; such charges shall conform to the rules and regulations adopted by the head of the fire department. A copy of such charges shall be served upon the accused member and he shall be afforded a reasonable time in which to prepare for the hearing; he shall be entitled to be present at his trial, to be heard in person and by counsel, and to give and furnish evidence in his defense. All trials shall be open to the public. The board, commission, commissioner or other officer or officers having authority to issue subpoenas to compel the attendance of witnesses at such trial must, upon the application of the accused member, from time to time issue subpoenas in blank in the form prescribed by law, and the right is hereby granted to the accused member, or his counsel, to insert in such subpoena or subpoenas the names of such persons as he desires to attend to give evidence in his defense, and such accused member shall not be compelled in advance of the trial to disclose the name of any of his proposed witnesses.

§ 270-a. Nothing herein contained shall prevent the suspension of a member accused of serious misconduct pending the hearing and deter-

mination of the charges made against him, but if such charges are not finally sustained, such member shall be entitled to receive the same compensation which he would have earned had he not been suspended, but no such suspension shall exceed a period of ten days, and, within said ten days, written charges, as hereinbefore provided, shall be served upon the officer accused and the matter brought on for hearing and determination. In the event that the member accused requests one or more adjournments, the suspension may extend during the period of time covered by said adjournments.

§ 270-b. In all cases the trial of the accused must be conducted within thirty days from the date that such charges are served upon him, except when the accused requests one or more adjournments of the hearing extending beyond that time. All charges must be determined and decision made in writing within five days after the trial. All causes for complaint against the accused member in existence or arising prior to the commencement of proceedings against him and not specified in such written charges shall be deemed to be waived, and such member shall not at any time thereafter be subject to the trial of any such complaints or charges not so included in said written charges; but nothing herein contained shall prevent the amendment of charges so as to contain therein additional specifications, providing such amendments are made prior to the determination of the other charges. Such amendments shall be in writing and shall be served upon the accused member, and all the provisions of this act relating to original charges shall apply thereto. All specifications contained in the written charges shall be regarded

as but a single complaint for which but one punishment shall be inflicted. No fine of additional duty and no cumulative punishment shall be imposed. No fine shall be imposed which shall exceed a sum equal to twenty days' salary of the member adjudged guilty.

§ 270-c. After the lapse of two years from the determination that an accused member was guilty of the charges preferred against him, such determination shall not be considered against said member upon an application by him for promotion, nor shall it affect, after the lapse of said two years, any right or privilege which such member would otherwise be entitled to were it not for said determination.

§ 270-d. In case any such member is aggrieved by the determination of any trial of charges as specified in section two hundred and fifty-one of article one of title seven of this act, he shall have the right to review such determination in the manner and time prescribed by article seven of title two of chapter sixteen of the code of civil procedure, relating to the writ of certiorari, and upon such review the court is empowered to consider both questions of law and of fact, except that if an appeal is taken to the court of appeals from the determination of the appellate division of the supreme court, the hearing in the court of appeals shall be limited to questions of law only. The mayor shall annually grant to each member of the department a vacation of not more than fourteen successive days with pay; he shall also grant to each member of the department five days leave of absence with pay in each month beginning at eight o'clock in the forenoon of one day and ending at



eight o'clock in the forenoon of the following day, and two nights of twelve hours each beginning at eight o'clock in the evening of one day and ending at eight o'clock in the morning of the following day, but such leave of absence may be suspended when public interest so requires. He shall also grant to each member of the department three hours each day for meal time, and the council shall grant to any member of the department who is disabled by sickness half pay for the period of his disability not exceeding six months, and to any member of the department who is disabled by accident in the performance of his duty full pay for the period of disability, not exceeding one year.

§ 271. Such members of the fire department as shall be designated by the council shall have power at all reasonable times to enter and examine any premises, within the limits of the city.

§ 272. Such members of the fire department as shall be designated by the council may arrest or orally direct any policeman or person to arrest anyone who disobeys his lawful order, or who is intoxicated or disorderly at a fire, and cause the person so arrested to be confined temporarily or until the fire shall be extinguished.

§ 273. Such members of the fire department as shall be designated by the council may direct any burning building, or any other building which they may deem hazardous and likely to take fire and endanger the safety of other buildings, to be torn down, blown up or otherwise destroyed. Any person owning, or having any interest in, any building injured or destroyed under this section, may, within three months thereafter, file with the city

clerk a verified statement of the facts of such injury or destruction and the damage claimed by him. If the claim is made within such time, and the city does not within two months compromise or pay it, the claimant may within one year after the building was so injured or destroyed present a petition to the supreme court for the appointment of three commissioners to ascertain the just compensation to be made to him therefor. The petition shall be verified, and a copy of it, with notice of the time when, and place where it will be presented, shall be served on the corporation counsel at least fourteen days before the day when it shall be so presented. The court shall hear the proofs and allegations of the parties, and shall, in a proper case, appoint three persons as commissioners to ascertain the just compensation to be made to the claimant, and shall fix the time and place of their first meeting. The commissioners shall be paid by the city for their services at such rate as may be fixed by the council. The commissioners so appointed shall take and subscribe an oath that they will faithfully discharge their duties. Any of them may issue subpoenas and administer oaths to witnesses, and a majority of them may adjourn the proceeding from time to time in their discretion. They shall view the premises, hear the proofs and allegations of the parties, reduce all testimony taken by them to writing, and they, or a majority of them, all being present, shall without unnecessary delay ascertain and determine the amount which ought justly to be paid by the city to the claimant or claimants. In determining such amount the commissioners shall decide whether the building so injured or destroyed would have been injured or destroyed by fire, and if they decide that it would have been injured or

destroyed they shall not award to the claimant or claimants an amount exceeding the amount of valid insurance which such claimant or claimants had then existing in their favor upon such building, and which they may have lost by reason of its destruction or injury under the authority conferred by this section. And if they shall determine that the said building would not have been injured or destroyed by the fire they shall award the full damages to the property as determined by them.

§ 274. Every fireman, and every person who shall have served as a volunteer fireman without pay in the city for the term of five years, shall be exempt from serving as a juror, and from all militia duty, except in cases of insurrection or invasion. A certificate from the mayor under the city seal shall be evidence of such exemption.

§ 275. Moneys paid to fire department by insurance companies and their agents. There shall be paid to the Firemen's Benevolent Association of Buffalo, for the use and benefit of the fire department of said city, on the first day of February, in each year, by every person who shall act as agent for or on behalf of any individual or association of individuals, not incorporated by the laws of this state, to effect insurance against losses or injury by fire in the city of Buffalo, although such individuals or association may be incorporated for that purpose by any other state or country, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the year ending on the next preceding thirty-first day of December, shall have been received by such agent or person, or received by

any other person for him, or shall have been agreed to be paid for any insurance against loss or injury by fire in said city, effected or agreed to be effected, or promised by him as such agent.

§ 275-a. Report of premiums by agents. Every person who shall act as agent as aforesaid, shall, on the first day of February, in each year, render to said Firemen's Benevolent Association a just and true report, verified by his oath, of all such premiums, which, during the year ending on the thirty-first day of December preceding, shall have been received by him, or by any person for him, or which shall have been agreed to be paid for any such insurance effected, or agreed to be effected, or promised by him. The said association shall prescribe the form and furnish on demand the necessary blanks to enable such agents to make such reports. It shall have power through its designated representative to examine any such agent under oath and to require the production by such agent of all books and papers he may deem necessary. All expense of collecting such tax shall be paid by said association from the funds received under this act prior to the distribution thereof hereinafter authorized.

§ 275-b. Undertaking. No person shall, as agent or otherwise, effect or agree to effect, or procure to be effected, any insurance upon which the tax above mentioned is required to be paid, until he shall have executed and delivered to the said association an undertaking, under seal, to the said association, with such sureties as the said association shall approve that he will, on the first day of February, in each year, render a just and true report verified by his oath, of all such pre-

miums, which, during the year ending on the thirty-first day of December preceding, shall have been received by him, or by any person for him, or which shall have been agreed to be paid for any such insurance effected, or agreed to be effected, or promised by him, and that he will, on the first day of February in each year, pay to the said association two dollars upon every one hundred dollars, and at that rate upon the amount of such premiums.

§ 275-c. Undertaking; renewal of. Whenever, by reason of the failure of the sureties or either of them, or for any other cause, an undertaking given under the last preceding section shall have been or may be deemed insufficient by the said association to secure a return of the report and the payment of the tax aforesaid, or either of them, the said association, at its election, but not oftener than once in each year, may require such undertaking to be renewed.

§ 275-d. Undertaking; penalty for not executing. Every person who shall effect, agree to effect, promise or procure any insurance mentioned in the preceding sections of this act, without having executed and delivered the undertaking hereinbefore required, shall, for each offense, forfeit one thousand dollars, for the use of the said fire department; and every person who shall have been required by the association to renew his undertaking, pursuant to the last preceding section, who shall effect, agree to effect, promise or procure any such insurance, without having executed and delivered the renewed undertaking, shall for each such offense forfeit one thousand dollars, for the use of the said fire department.

§ 275-e. Demand for reports. It shall be lawful for the said association on or after the first day of January in each year, by written or printed notice, signed by its treasurer, to require from every person who shall act as agent, as aforesaid, the report provided for in this act, and payment of the tax provided for; such notice may be delivered personally to such agent, or at his office or place of business to any person having charge thereof, and any person upon whom such notice is served as herein provided, who shall neglect to render the report or to pay the tax demanded, or either of them, on or before the first day of February or within ten days after the service of such notice, shall forfeit fifty dollars, for the use of the said fire department; and he shall also forfeit for their use twenty-five dollars in addition for every day that he shall so neglect, after the expiration of said ten days, and such additional penalty may be computed and recovered up to the time of any suit for the recovery thereof.

§ 275-f. Place of business to be reported. Every person who shall act as agent, as aforesaid, shall, on the first day of February in each year, and as often in each year as he shall change his place of business report in writing, under his proper signature, to the said association, the street and the number thereof in said city, or elsewhere, of his place of business as such agent, designating in such report the individual or individuals and association or associations for which he shall be such agent. And in case of default in any of these particulars, such person shall forfeit for every offense the sum of one thousand dollars, for the use of the said fire department. Every insurance company referred to in this act shall, on demand

of the said association, furnish to him the names and addresses of all persons authorized by it to write insurance against loss or injury by fire on property situate in such city.

§ 275-g. Suits for violations. The tax provided to be paid by this act, the damages for any breach of the undertakings, or either of them, provided for therein, and the pecuniary penalties imposed therein, or any or either of them, may be sued for and recovered, with costs of suit, in any court of record within this state, by the said association, for the use of said department.

§ 275-h. Said association shall within ten days after the receipt of the same pay annually to the treasurer of the Firemen's Association of the State of New York, ten per centum of the amount so received by him, for the support or maintenance of the Volunteer Firemen's Home, at Hudson, New York. From and after the first day of February, nineteen hundred and sixteen, twenty-two and one-half per centum of said amount so received as aforesaid shall be paid to the treasurer of the firemen's relief and pension fund of the city of Buffalo and the balance of the amount so collected as aforesaid shall be paid to the treasurer of the Firemen's Benevolent Association of said city. From and after the first day of February, nineteen hundred and twenty, forty-five per centum of said amount so received shall be paid to the treasurer of the firemen's relief and pension fund of the city of Buffalo, and forty-five per centum to the treasurer of the Firemen's Benevolent Association of said city. From and after the first day of February, nineteen hundred and thirty-five ninety per centum of such amount

shall be paid to the treasurer of the firemen's relief and pension fund of the city of Buffalo and all payments to the Firemen's Benevolent Association of said city shall cease.

§ 275-i. On or before the first day of April in each year the said association shall deliver to the treasurer of the Firemen's Association of the State of New York a statement showing the name of each person or corporation from whom any moneys shall have been received pursuant to the provisions hereof and the amount paid by each, which statement shall be verified by its treasurer to the effect that the same is correct and true and that such statement correctly shows the amount of such tax received by such association since the first day of February of that year. It shall also at the same time deliver verified statements in the same form to the treasurer of the firemen's relief and pension fund of the city of Buffalo.

§ 275-j. From and after the first day of January, nineteen hundred and twenty-five, the percentages to be paid hereunder shall be paid to, collected and disbursed by the treasurer of the firemen's relief and pension fund of the city of Buffalo, in accordance with the foregoing provisions of law and all the powers conferred upon the Firemen's Benevolent Association of Buffalo in respect thereto shall be vested in and be exercised by said treasurer.

§ 276. The council shall make ordinances regulating the keeping and sale of all explosives or highly inflammable fluids and materials, and providing for the obtaining of licenses for such keeping and sale, including the fixing of fees therefor,



and for penalties for the violation of such ordinances, and for possessing such articles without having first obtained a license therefor.

§ 277. There shall continue to be maintained in the city of Buffalo a firemen's relief and pension fund, which shall continue to consist of:

(1) All securities, property, and moneys, which upon the taking effect of this act, are in the possession, and under the control of the board of trustees of said fund.

(2) All fines, penalties, and forfeitures that from time to time may be imposed upon any officer or member of the fire department of said city by way of discipline collectible from pay or salary.

(3) All rewards, fees, gifts or emoluments that may be paid or given for extraordinary services, rendered by any officer or member of said fire department, except when allowed to be retained by such officer or member by the council, or given to endow a medal or other permanent competitive reward.

(4) All moneys realized, derived or received from the sale of condemned, unfit, and unserviceable property belonging to or in the possession or under the control of the fire department, where the same does not exceed the sum of two hundred and fifty dollars in value for any one article.

(5) All fees and moneys realized, received, or derived from the granting or issuing of licenses for the keeping or sale of fireworks, kerosene, coal oil, naphtha, gasoline, gunpowder, and other explosive materials.

(6) All moneys realized, derived, or received from fines or penalties under the provisions of this act or under the ordinances of the city of Buffalo, or under the rules and regulations of the council, for the prevention and extinguishment of fires, and for the conveying and removal of gunpowder, nitroglycerine, and other explosives, in and through the city or any part thereof, and the keeping and sale of fireworks, kerosene, coal oil, naphtha, gasoline, gunpowder, and other explosive materials.

(7) Three per centum of the revenues received by the city of Buffalo, as excise moneys under the excise laws of the state.

(8) Two per centum of the salary of each of the following officers and members of the fire department shall be paid into the said firemen's relief and pension fund: chief engineer, assistant chief engineer, battalion chiefs, captains, lieutenants, engineers of steamers, assistant engineers of steamers, drivers and all firemen of the first, second and third grades, and all other members of the fire department, who, on the first day of July, nineteen hundred and eleven, were entitled to be or become beneficiaries of the firemen's relief and pension fund. All warrants for the salaries of the officers and members included in this section shall be drawn for the amount specified in each pay roll, less two per centum thereof, and a warrant for the total amount of such deductions shall be drawn payable to the order of the city treasurer, who shall retain same as part of the firemen's relief pension fund, subject to the disposal of the board of trustees of said fund.

§ 278. The members of the council, and their successors in office, are hereby constituted the board of trustees of the firemen's relief and pension fund. The said board of trustees shall have the exclusive control, management, and distribution of said fund. The treasurer of the city shall be the treasurer of such board. Each of these officers shall serve without additional compensation. The said council is hereby authorized to adopt rules and regulations for its government; and it shall hear and determine all applications for relief or pension under this article, and its decision shall be final and conclusive, and not subject to review or reversal except by said council; it shall cause to be kept a record of all its proceedings and meetings.

§ 279. (1) The council shall have the power and authority to retire or discharge from all service in the fire department, any officer or member thereof who may be found on examination by the surgeon of the department, duly certified under oath, disqualified physically or mentally for the performance of his duties in the department by reason of disease or disability caused or induced by the actual performance of the duties of his position without fault or misconduct on his part.

(2) Every officer or member of said department who may have become permanently incapacitated from performing full duty as a fireman by reason of disease or disability caused or induced by injury, or by long service and exposure while in the line of his duty as a fireman, without fault or misconduct on his part, may, on his own application, be retired from service by the council, provided the applicant has been examined by the sur-

geon of the department, and his sworn certificate filed, showing that the applicant is permanently disqualified from performing the duties of a fireman. A pension shall be granted and paid to each person so retired from the said firemen's relief and pension fund equal to one-half the annual compensation allowed him as a salary at the date of his retirement from the service, or such less sum in proportion to the number of officers and members so retired, as the condition of the fund shall warrant. But no officer or member of said department shall be entitled to any allowance as pension under the provisions of this article, during the time he shall be receiving full salary from said fire department.

(3) The widow, minor child or children, dependent parent or parents, of any deceased officer or member of said fire department, provided the death of such officer or member occurs during his service in said fire department, and is caused or induced by injury or by long service and exposure while in the line of his duty, without fault or misconduct on his part, or after he has retired on account of disability, or is discharged as hereinbefore provided, by reason of his having become physically or mentally disqualified from performing his duty, shall be allowed and entitled to receive from said fund an allowance as pension. The amount of such pension shall be determined upon the following conditions:

a. To the widow of such officer or member, the sum of twenty-five dollars per month. But upon her remarriage, such pension shall cease.

b. To each child of such officer or member, under the age of sixteen years, the sum of five dollars per month. Upon the child attaining the age of

sixteen years, such pension shall cease. In case the widow shall die or remarry, then the pension allowed to her shall be paid to the child or children of such deceased officer or member who shall be under the age of sixteen years. But all such payments to any child shall cease when such child becomes sixteen years of age. The whole amount paid to the widow and minor child or children of any officer or member shall not exceed one-half the annual compensation allowed such officer or member at the date of his death or retirement.

c. To the dependent parent or parents of such officer or member the sum of twenty-five dollars per month. No pension shall be paid to a dependent parent or parents in case the officer or member of said fire department so dying shall leave him surviving, a widow or minor child or children. No more than one pension shall be paid in case both parents survive.

(4) The council shall provide for the payment of the pensions allowed and fixed by this article from said relief and pension fund, and said council may in its discretion, pay the pension of said minor child or children to their mother or to their general or testamentary guardian, or to the person or persons who shall have the care and custody of said minor child or children, and the decision of said council as to what is deemed for the best interests of said minor child or children shall be final and conclusive, and payment according to its determination of the pensions herein provided for shall be a full discharge for the moneys so paid.

(5) This article shall apply to all who now are or shall hereafter become officers and members of

the fire department of the city of Buffalo, and all of such persons shall be eligible to the benefits secured by the creation of this fund.

(6) Pensions, as provided in subdivisions two and three of this section shall be paid to officers and members of the department who have been discharged or retired as therein provided, and to the widow, minor child or children, or dependent parent or parents of any officer or member who has been killed in the discharge of his duty or died on account of disability acquired in the service and in the line of duty after the taking effect of this act.

(7) All moneys ordered to be paid out of said pension and relief fund to any person or persons shall be paid by the treasurer only upon warrants signed by the person designated by the council, and no warrant shall be drawn except by the order of the council, duly entered in the record of its proceedings. Said council is hereby authorized to deposit said fund in any of the banks of the city of Buffalo upon receiving adequate security therefor, or to invest the same in bonds and mortgages on improved real property worth twice the amount loaned, or in bonds of the United States, or of this state, or of the city of Buffalo, or of any city, county, town or village of this state, issued pursuant to the authority of the laws of this state. All interest, income or dividends which shall be paid or agreed to be paid on account of any such loan or deposit shall belong to and constitute a part of such fund. Nothing herein contained shall, however, be construed as authorizing the treasurer to loan or deposit said fund or any part thereof unless so authorized by the council.

§ 280. (1) The council may take by gift, grant, devise, or bequest, free from taxation, any real or personal property, the annual income of which shall not exceed in the aggregate the sum of thirty thousand dollars. In any year when the condition of the relief and pension fund shall render it in the judgment of the council necessary, said council may receive from the city of Buffalo, a sum not exceeding five thousand dollars, to be included in its annual estimates, and drawn and collected by it in like manner as other moneys applicable to the expenses of the city and the amount so obtained shall at once be paid over to the council, to be used as a portion of said relief and pension fund.

(2) The council is hereby authorized and empowered to receive, collect, sue for, and shall have the exclusive right of recovery of any and all fines and penalties which are to be paid into said pension and relief fund under this article. It may in the name of the city sue for, recover and collect the same, with costs, in the manner provided for in actions under the code of civil procedure, and all moneys so collected shall become a part of this relief and pension fund. The council may in the name of the city, bring any suit or action hereby authorized, and any action to recover any fee, fine or penalty under this article or under said ordinances, may be brought in the city court of the city of Buffalo.

§ 281. Actions to recover fines and penalties which are to be paid into the firemen's relief and pension fund shall be brought in the name of the city, and under such regulations as to their prosecution as may be prescribed by the council by ordinance or rule.

§ 282. All pensions granted under the provisions of this chapter shall be exempt from execution, attachment or any process whatever. The said fund shall be sacredly kept and held secure, and distributed and applied for the purpose of relieving and pensioning persons entitled thereto and for no other purpose whatsoever. Every person who knowingly or willfully, in any wise, procures the making or presentation of any false or fraudulent affidavit or affirmation concerning any claim for relief or pension, or the payment thereof, shall in every case forfeit a sum not exceeding two hundred and fifty dollars, to be sued for and recovered by and in the name of the city, and when recovered it shall be paid over to, and thereupon become, a part of said relief and pension fund. Any person who shall willfully swear falsely in any oath or affirmation in obtaining or procuring any pension or relief, or the payment thereof, under the provisions of this title, shall be guilty of perjury.

§ 283. The board of trustees existing under the prior city charter is hereby authorized and directed, when this act takes effect, to pay over and deliver the moneys and securities belonging to the said firemen's relief and pension fund to the charge and control of the council.

### ARTICLE III.

#### DEPARTMENT OF HEALTH.

§ 285. The council shall exercise all powers and be charged with all the duties conferred upon or required of local boards of health by the laws of this state, so far as the same may be applicable



to the city; but the council may by resolution delegate such of said powers to, and impose such of said duties upon, the mayor, or the health commissioner, as shall be deemed by it to be desirable.

§ 286. Every master and journeyman plumber shall, under such rules and regulations as the council may prescribe, register his name and address with the health commissioner, and it shall not be lawful for any person to carry on a trade of plumbing in the city unless his name is registered as herein provided. A list of the registered plumbers in the city shall be published in the official paper at least once in each year. The drainage and plumbing constructed and placed in and about all buildings, both public and private, shall be constructed, executed and placed in accordance with the plans previously approved in writing by the health commissioner, under such rules and regulations as the council may prescribe.

§ 287. The health commissioner, under such rules and regulations as may be prescribed by the council, shall have power to take measures to prevent the entrance of pestilential or infectious diseases into the city; to stop, detain and examine for that purpose any person coming from any place infected, or suspected to be infected with any such disease, and to cause any person infected or believed to be infected with any such disease to be removed to and detained in such quarantine hospital as the city may maintain. For such purposes the city shall maintain a quarantine hospital. The health commissioner, under like rules and regulations of the council, shall have power to cleanse infected buildings, vessels, vehicles and places of all kinds, and to destroy furniture, cloth-

ing and other property of whatsoever character so infected as to be dangerous to public health, and to perform all other acts, and assume all other duties now vested in the health commissioner of the city, not inconsistent herewith, and save as hereafter changed by ordinance.

§ 288. Any person or persons violating any of the provisions of this title, or of the ordinances adopted by the council, for the preservation and promotion of the public health, shall be deemed guilty of a misdemeanor.

## TITLE VIII.

### DEPARTMENT OF PUBLIC AFFAIRS.

#### ARTICLE I.

##### DEPARTMENT OF PUBLIC INSTRUCTION.

§ 290. Until otherwise provided by the council, the department of public affairs shall include within its jurisdiction the matter of public instruction, of which a board of education shall be the head. Such board shall consist of not less than five members, and as many more as the council shall by resolution determine, one of whom shall be a woman. The members of the board shall serve without pay. Under the control of the council, they shall have charge of the public schools, their property, expenditures and affairs. The superintendent, selected by the council, shall have the immediate supervision of the schools, the hiring and discharge after a hearing of teachers in accordance with the provisions of this charter, or the rules adopted by the board of education, and

subject to the general ordinances and regulations adopted by the council, and shall have the powers now possessed by the superintendent of education, not inconsistent herewith.

§ 291. The city has power to establish, maintain and regulate public schools. The city shall be, by ordinance, divided into school districts, and from time to time redivided, and in each district there shall be maintained one or more primary or grammar schools. Such schools shall be open and free to all persons between five and twenty-one years of age, residing within their respective districts. The city may maintain and regulate one or more high schools, and it may also maintain and regulate schools for manual and technical training, into which may be admitted pupils who shall possess the qualifications prescribed by ordinance. The high school shall share in the literature fund of the state, and in all appropriations to academies. The primary and grammar schools shall share in the school fund of the state, and in the appropriations made to public schools.

§ 292. All expenses of the school department shall be included in and paid out of the general fund. The council is hereby authorized to embrace in its estimate a sum not exceeding three hundred and fifty thousand dollars annually, which shall be used solely for the purchase of school lots, and the erection, enlargement, repairs and furnishing of school buildings. It shall be lawful for the city to raise an amount of money not exceeding three hundred thousand dollars to erect school buildings and to furnish the same and for such purpose it shall be lawful for the council of said city by a vote of four-fifths of its members from

time to time to authorize the issue of the bonds of said city to an amount not to exceed in the aggregate three hundred thousand dollars, bearing interest at the rate of not more than five per centum per annum, interest to be paid semi-annually; said bonds to be due in not less than twenty nor more than fifty years from their date and to be sold at not less than their par value.

§ 293. New teachers shall be selected for employment in the different schools after this act takes effect from lists prepared as to grades and qualifications of applicants in the manner provided by resolution of the council; all teachers shall be hired for the period of time and at the compensation and upon the terms and conditions provided by ordinance. The courses of study and systems of education shall be established by ordinance or in such other manner as the council may prescribe, and until provided shall remain as now established.

§ 294. The council shall be the trustees and have the general care and management of the public school teachers' retirement fund as now existing and shall have and possess all the powers relating thereto now possessed by the board of trustees thereof; the council is authorized to establish such rules and regulations for the administration and investment of said fund as it may from time to time deem best. Investment of the fund may be made in the name of the council, in bonds of the United States or of the state of New York or of any municipal corporation of the state. The fund shall consist of the moneys composing it at the time this act takes effect, and moneys to be hereafter paid to it in accordance with the provisions of this act.

§ 295. The public school teachers' retirement fund, created by this act, shall consist of the following moneys, to wit:

(1) All moneys comprising the public school teachers' retirement fund at the time this act takes effect.

(2) An amount not less than one per centum per annum, nor more than two per centum per annum of the respective salaries paid to the superintendent of education, assistant superintendent, supervisors, directors, principals and teachers, who are regularly employed in the public schools of Buffalo or in the department of public instruction of said city, to be taken from said salaries in four equal quarterly installments in the manner hereinafter described.

(3) Any moneys which may be appropriated for said fund by the council of said city. And the said council is hereby authorized and empowered in its discretion to appropriate annually for said fund and to include in its annual estimate a sum of money which shall not exceed, however, the amount deducted for the previous school year from the salaries of the superintendents, supervisors, directors, principals and teachers, as provided in the foregoing subdivision two of this section.

(4) All moneys received from donations, legacies, gifts, bequests or otherwise, for and on account of said fund.

(5) All moneys which may be derived by such other methods as may be duly and legally devised for the increase of said fund.

§ 296. All persons employed in the department of public instruction and hereinbefore mentioned as contributors to said fund, shall become annuitants under this act in manner following, to wit: Any female teacher, officer or employee of the department of public instruction enumerated in section two hundred and ninety-five of this act who shall have served for twenty years, and any male teacher, officer or employee of the department of public instruction enumerated in section two hundred and ninety-five of this act who shall have served for twenty-five years, may be retired by the board of trustees on the recommendation of the superintendent of education and become an annuitant of this fund during life, if such teacher, officer or employee of the department of public instruction enumerated in section two hundred and ninety-five of this act has become permanently incapacitated for further efficient service; provided, however, that four-fifths of such service shall have been rendered in the public schools or department of public instruction of the city of Buffalo, and any female teacher, officer or employee of the department of public instruction enumerated in section two hundred and ninety-five of this act who shall have served thirty years and any male teacher, officer or employee of the department of public instruction enumerated in section two hundred and ninety-five of this act who shall have served thirty-five years, shall have the right to return and become an annuitant of said fund during life, provided, however, that four-fifths of such service shall have been rendered in the public schools or department of public instruction of said city. In case any teacher, officer or employee of the department of public instruction shall fail to be reappointed after hav-

ing served such period of time as would entitle him or her to the benefits of said fund under the provisions of this act, such teacher, officer or employee shall, notwithstanding such termination of service, receive the annuity hereby provided. But in case any such teacher, officer or employee shall be removed or dismissed from service, or fail of reappointment, by reason of misconduct, charged and established at the time of such termination of service, such teacher, officer or employee shall not be entitled to receive the benefits of said fund, but shall be entitled to receive forthwith, without interest, all moneys paid into said fund by him or her during such period of service.

§ 297. Any teacher, officer or employee so retired or retiring shall receive as an annuity an amount equal to one-half of the annual salary paid to such teacher, officer or employee at the time of such retirement; said annuity shall not exceed the sum of eight hundred dollars per annum, which shall be paid by the said board of trustees out of the fund created in accordance with this act.

§ 298. (1) All persons who are annuitants, as provided by this act, may become participants in full benefits provided that each such person pay into the public school teachers' retirement fund such additional sum as will make his or her total payments equal to forty per centum of his or her salary at the time of his or her retirement.

(2) No person shall become an annuitant under this act until he or she shall have paid into the retirement fund an amount equal to forty per centum of his or her annual salary at the time of retirement; provided, however, that no person

shall be required to pay into said fund more than fifteen hundred dollars.

§ 299. When in its judgment the available fund shall be inadequate fully to carry out the provisions of this act, said council is hereby given the power to use both the principal and the income of said fund for the payment of annuities hereinbefore mentioned, and shall have power to reduce from time to time the amount of all annuities; provided, that such reduction shall be at the same rate in all cases.

§ 300. If at any time a teacher, officer or employee of the department of public instruction enumerated in section two hundred and ninety-five who shall be willing to continue to serve shall not be re-elected or re-employed, or shall be discharged before the time when he or she would under the provisions of this act be entitled to an annuity, then such teacher shall be paid back all the money, without interest, which may have been deducted from his or her salary under the provisions of this act.

§ 301. Deductions from salaries of teachers, officers or employees shall be made quarterly at the following rate, to wit: One per centum per annum of the salary of each of the persons enumerated in the foregoing subdivision three of section two hundred and ninety-five until such person shall have reached the maximum salary of the class or grade in which he or she is employed; and two per centum per annum thereafter; provided, however, that no person shall be required to pay into said public school teachers' retirement fund



more than the sum specified in section two hundred and ninety-eight.

§ 302. The superintendent of education shall, quarterly, in making the payrolls for the school department or the persons entitled to share in the fund hereby created, deduct a sum not exceeding the amount or proportion prescribed in section three hundred and one from the salary of each of such persons, and shall certify the amount of such deductions and the names of the persons from whose salaries such deductions shall have been made; and such certificate shall accompany the payroll, and a warrant for the amount of the deductions so certified shall be drawn payable to the order of the city treasurer, who shall retain the same as a part of the fund, subject to the disposal of the council.

§ 303. The treasurer of the said city shall be the custodian of said fund and he shall execute a bond to the city with good and sufficient sureties to be approved by the council, conditioned for the faithful performance of the duties of his office. Such bond shall be filed in the office of the clerk of the city, and in case of a breach of the same or the conditions thereof, suit may be brought on the same in the name of said city for the use of the council or of any person or persons injured by such breach.

§ 304. The word "teacher," as used in this act, shall include all employees of the department of public instruction enumerated in subdivisions two and three of section two hundred and ninety-five of this act.

## ARTICLE II.

## DEPARTMENT OF POOR.

§ 305. Until otherwise provided by the council the department of public affairs shall include within its jurisdiction the relief of the poor.

§ 306. Except in case of extreme exigency and for a period of not exceeding one month, and under such regulations as the council shall prescribe, it shall not be lawful for the city to grant aid or relief to any person with whose support the city is not chargeable under the general poor laws of the state, but all such persons shall be referred to the proper state or county officer.

§ 307. All the books and records of the department of poor shall be open for examination at all times by any taxpayer of the city, and the names and residence of all persons relieved, with other pertinent facts, shall be kept in such books and records.

§ 308. The council shall by ordinance provide for the proper investigation and relief of the city poor except that hospital aid or treatment, designated "indoor relief," in abodes provided by law for cases requiring permanent assistance, shall be granted only by the superintendent of the poor of Erie county, or other proper state or county officer under the general laws of the state, and all cases requiring such relief shall be referred to the proper state or county officer. Orders for provisions, boots and shoes, fuel and other necessary articles to be furnished to applicants requiring temporary aid, designated "outdoor aid," and prescriptions for the furnishing of medicines shall

be issued under such regulations and by such officers as the council may provide, and when so issued they shall be valid evidence of indebtedness against the city in the hands of the person, firm or corporation accepting and filling the same.

§ 309. It shall be a misdemeanor for any person or firm to furnish beer, liquors or intoxicating drinks of any kind on an order of the character provided in the preceding section, or to buy any such order from the person to whom it was issued, or from any other person, before it has been accepted and filled, or to furnish any article not specified or embraced therein.

§ 310. Any fraud practiced or false representation made by an applicant for city aid or relief, or by any other person, to procure aid or relief to be given, or to procure any order for outdoor aid to be accepted or filled, or to be paid by the city, or any willful act of any city officer or other person, designed to impede or in any way to interfere with the just and proper administration of this department shall be a misdemeanor.

## TITLE IX.

### DEPARTMENT OF PUBLIC WORKS.

§ 315. The four bureaus into which the department of public works is now divided shall continue until such time as may be otherwise provided by the council, and with such powers and duties as are now possessed by them, subject to such changes and such modifications thereof as may be made therein by the council.

§ 316. All repairs of accepted streets shall be paid for from the general fund. The construction and repair of all crosswalks and approaches to crosswalks, and the cleaning and repairing of all public sewers and receivers, shall be deemed repairs of accepted streets.

§ 317. All streets or part of streets paved at the time this act takes effect, or which shall subsequently be paved, shall be deemed accepted streets within the meaning of this title, and shall be repaired when necessary, if the superintendent of public works certifies that less than one-third of the carriageway is in condition requiring repairs: but whenever the superintendent shall certify that it is not expedient to make further repairs upon that pavement, in an accepted street or in the portion thereof between two streets that intersect or meet the same, the council may order said street, or portion thereof mentioned in such certificate, repaved, and two-thirds of the expenses thereof shall be paid by local assessment, and the remaining one-third thereof shall be a charge on, and paid out of, the general fund of the city, as provided in this act.

§ 318. All moneys accruing each fiscal year from the sale and use of water shall be used for the payment of interest on all outstanding water bonds and all principal due and payable in that year on water bonds not renewable, so far as the same may be available, and the balance, if any, shall be applied as a resource in the appropriations to be raised by tax for the next fiscal year.

§ 319. It shall be the duty of the owner and the occupant of any premises in the city to at all

times keep and maintain the sidewalk in front of such premises in good order and repair and to remove ice and snow therefrom within the time and as required by the city ordinances. In case any such owner or occupant shall fail or neglect to keep such sidewalk in good order and repair, or to remove the snow or ice therefrom as herein required, the superintendent of public works may cause such work to be done and the expense thereof shall be a charge and lien upon such premises and the city may recover against such owner or occupant the amount of such expense by action.

§ 320. The council may establish, designate and maintain hydrants within the city to supply the public with water and the expense thereof may be assessed upon and collected from the property deemed benefited, in like manner as provided in title six of this act for assessment and collection of assessments; and the council shall designate the districts by boundaries within which such assessment shall be levied.

§ 321. Such officers and employees of the department of public works as shall be designated by the council shall have authority to enter any premises or building for the purpose of examining its condition; and whenever in the judgment of any such officer or employee any building or any part of a building shall be dangerous to the public or unsafe, he may under the direction of the council order such building to be torn down; and in case his order shall not be obeyed he may cause it to be torn down; or he may order it to be repaired so as to be safe and in case his order shall not be obeyed he may cause the proper repairs to be made. The expense of removing or

tearing down any unsafe building or of making it or any portion thereof secure shall be a lien on the property on which the building stood, and may be enforced and collected in the same manner as a local assessment thereon, or it may be recovered from the owner of the premises upon which the building stood by action brought in the name of the city.

§ 322. Before the construction or remodeling of any building in the city is commenced, the owner shall file with the superintendent of public works a sworn statement of the character and use of the building he proposes to erect, and its location on his premises. And in all cases, except where the building is a one or two-story frame dwelling, or one or two-story frame store, or dwelling within the limits where wooden buildings may be erected, he shall file a copy of the plans and specifications of such building, and a statement which shall contain the name and residence of the owner, and the purposes for which the building is designed, and which shall be sworn to by the owner or his authorized agent. The superintendent of public works shall, within ten days after the filing of the plans, specifications and statement, approve the same, or indicate in writing the alterations to be made therein to comply with the general laws of the state and ordinances of the city, and no building shall be erected or remodeled until the approval of the superintendent of public works shall be obtained, and a written permit issued by him to the owner or builder of such building. Nothing herein contained shall affect the exclusive power of the council to grant special permits for buildings.

§ 323. Notice to any member of the police force of any defect in any street or sidewalk shall not be notice to the city until information thereof has been actually received by the superintendent of public works.

§ 324. All gas, telegraph, telephone and electric light companies, having subways or conduits, or any other person or corporation having grants from the city for any subways or conduits in public streets or alleys, shall obtain permission from the council for laying or relaying all mains, subways and conduits.

§ 325. When any work or repairs not herein otherwise specially provided for shall be ordered by the council upon or in front of premises the superintendent of public works shall notify the owner or occupant personally or by mail at least ten days before the superintendent of public works will undertake the work, that if such work or repairs is not done or made within ten days the same will be done by the city and the expense thereof, together with twelve per centum per annum from the time the work was done, will be assessed upon the premises in front of or upon which the same shall be done or made in the manner that other local assessments are made.

§ 326. All powers heretofore vested in the Jubilee water commissioners and in the common council with reference to the property of the former Jubilee water system and the funds derived therefrom shall, after this act shall go into effect, and a council be elected hereunder, vest in said council.

## TITLE X.

## DEPARTMENT OF PARKS AND PUBLIC BUILDINGS.

§ 330. All the powers and authority heretofore possessed by the board of park commissioners is hereby vested in the council; such ordinances, by-laws, rules and regulations of said board of park commissioners as are in force when this act takes effect shall continue to be in force until otherwise provided by the council.

§ 331. The council shall have power by contract or otherwise to open, grade, construct, repair and maintain roadways of the approaches to the parks and the assent of adjacent property-owners thereto shall not be necessary; but no work shall be done where any part thereof is accessible as provided in this act until notice of intention to order it shall have been published in the official paper by order of the council at least twice a week for two consecutive weeks before such work shall be ordered, the last publication to be at least one week before the same is so ordered and all interested parties shall have an opportunity to be heard before said board at such time as it shall appoint in such notice; provided that no notice or hearing shall be necessary in the case of work the expense of which shall not exceed two hundred dollars. The said council shall have power to control sidewalk borders and to plant, regulate and maintain trees thereon and to construct and lay, or cause to be constructed and laid, sidewalks on the said approaches and to provide by ordinance for repairing same and removing snow and ice and dirt therefrom by or at the expense of the owners and occupants of the property in front of which such



sidewalks may be, and to provide fines and penalties for violation of such ordinances not exceeding twice the cost of such repairing and the removing of such ice and snow and dirt, and all persons violating same shall be deemed guilty of a misdemeanor, and punished as provided by law. The said approaches shall, within the intent and meaning of this act, be deemed to include all lands within the boundaries thereof, together with all rights and easements appurtenant thereto, and such portions thereof as may be within the boundaries of intersecting city streets.

§ 332. The officers and policemen heretofore appointed by the board of park commissioners and who are in office when this act takes effect shall continue in office as members of the regular police force of the city of Buffalo with the rank and pay of patrolmen.

§ 333. One-half of all expenses for opening, grading, paving or constructing the roadway or roadways of the said approaches to the city parks shall be paid from the general fund, and the other half be defrayed by local assessments upon the lands adjacent to such approaches, or which the assessor shall determine to be benefited thereby, and shall be a lien thereon, and assessed, levied and collected in the same manner as other local assessments, and when collected shall be paid into the park fund; provided that where any approach or part of an approach shall have three roadways, the whole expense of opening, grading, constructing or paving the central roadway shall be paid from the general fund and one-half the expense of opening, grading, paving or constructing either lateral roadway shall be assessed upon the private property adjacent to such lateral roadway

and benefited thereby, and the other half shall be paid from the general fund. Where any approach or part of an approach has two roadways and no more, one-half of the expense of opening, grading, constructing or paving each roadway shall be assessed on the adjacent property benefited thereby, which shall be on the same side of the approach as the roadway on which the work shall be done, and the other half shall be paid from the general fund. But the repair of all parkways and approaches which shall have been paved or macadamized shall be paid out of the general fund when less than one-third of the roadway is in condition requiring repair. But whenever on any one or more blocks or sections of any park approach more than one-third of the roadway requires repair the work shall be deemed paving anew, and shall be paid for as original paving. The council shall order the expense of opening, grading, constructing or paving such approaches as is herein provided to be paid by adjacent property benefited, to be assessed, levied and collected as local assessments, as hereinbefore provided. The council may construct, repair and maintain sidewalks upon said approaches and remove snow, ice and dirt therefrom at the expense of the owners of the parcels of lands in front of which the work is done, and shall direct such expenses to be assessed upon the parcels of land in front of which the work was done or is to be done, in proportion to the benefit; and the assessor shall thereupon assess the same. Such assessments shall be liens upon the property assessed, and be levied and collected in the same manner as other local assessments.

§ 334. The council shall have power when the roadway in any park or any approach thereto is

constructed or repaired to cause connections to be made and extended from the sewers, gas pipes and water pipes, which may be therein, to the sidewalk border thereof at such distances apart as they shall deem to be necessary. The expense of making such connections shall be a local tax, and shall be ordered by said council to be assessed upon the parcels of land with which such connections shall be made, upon the expense thereof being reported to it. The city may recover the amount of such assessments, with the additions and interest, of the owners of such parcels, by action in its name, when they shall remain unpaid for more than sixty days after notice of the confirmation of the rolls shall have been published by the assessor, and may enforce the same as provided in title six of this act for the enforcement of assessments.

§ 335. No telegraph, telephone or electric light wires, or other wires, or posts or supports therefor, shall be erected or placed in, upon, through or over said park, parks or approaches, without the consent of the council, and the council shall have full power and authority to designate the place and places for and manner of erecting, placing and maintaining the same, whether heretofore or hereafter erected or placed, to be altered at such times and in such manner as it shall deem best for the interests of said park, parks and approaches, and may require such wires to be laid under ground.

§ 336. The council shall have full power and authority over all trees planted and to be planted in any of the streets or public places of the city, including the right to plant new trees and to care

for the same and to remove trees living or dead, and to trim, spray and otherwise care for all such trees.

§ 337. The terms “park” and “parks” as used in this act shall include the grounds known as the “Park,” “the Parade,” “the Front,” and all parks and public grounds (not being an approach or part of an approach), which are now or may hereafter be under the control of the park department. The word “approach,” whenever it occurs in this act, shall include the avenues and parkways leading to or connecting said parks, which are now or may hereafter be under the control of the park department, and “the Circle,” “the Bank,” “Soldiers’ Place,” “Chapin Place,” and “Bidwell Place,” and all other lands forming and designated a part of an approach.

## TITLE XI.

### ACTIONS BY AND AGAINST THE CITY.

§ 340. The council shall provide for the proper auditing of all claims against the city. Unliquidated claims shall be filed with the city clerk, and shall be made out in detail, specifying if for labor or services, the time when, the place where, by whom and under whose direction and by what authority performed; if for merchandise, material or other articles furnished, the items thereof, by whom ordered, and when and to whom delivered, and shall be certified to be correct by the superintendent of the department for which the work was done or materials furnished; and if for damages, for wrong or injury, when, where and how

occasioned, and shall be accompanied by an affidavit that the claim and the items and specifications thereof are in all respects correct and true, and that no payments have been made, and that no set-off exists except those stated.

§ 341. No action or proceeding to recover or enforce any claim against the city shall be brought until the expiration of forty days after the claim shall have been filed with the city clerk for presentation to the council for audit, in the manner and form provided in the preceding section, and no action shall be maintained against the city for personal injuries unless notice of intention to commence such action shall have been filed with the corporation counsel within two months after such cause of action shall have accrued. Provided, nevertheless, that no such action shall be maintained for damages or injuries to the person or to property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street, parkway or park approach, unless notice of intention to commence such action shall have been filed with the corporation counsel within ten days from the time of receiving the injuries. Before the council shall audit any claim other than for personal injuries or injuries to property such claims shall be referred to the auditor. If the claim be not made out and verified as above required the council may, within thirty days after its presentation, refuse on that ground to audit it. All actions brought against the city to recover damages for personal injuries caused by negligence must be commenced within one year from the time of receiving the injuries.

## TITLE XII.

## DEPARTMENT OF LAW.

§ 342. Upon taking office the corporation counsel shall be deemed to be substituted as attorney of record in all actions and proceedings in which the city, or any of its departments, is a party, and it shall not be necessary to enter any order to that effect.

§ 343. The corporation counsel shall deliver over to his successor, when appointed and qualified, all property of the city, or of any of its departments, and all papers that shall be in his possession, and he shall not be retained by the city in any cases except under extraordinary circumstances and at the request of his successor, and with the approval of the council.

§ 344. It shall be the duty of the corporation counsel to cause all claims for personal injuries to be thoroughly investigated, and to that end he may take proof, examine witnesses and require the claimant, with the privilege of counsel, to appear before and be sworn by a judge of a court of record, or the mayor, and answer orally any question relative to, or that may assist him in ascertaining the city's liability or the extent thereof, and he shall advise the council in respect thereto. The claimant may designate another time and place for the examination if he shall be physically unable to so appear. Such examination shall be held within forty days after the presentation of such claim, but the time therefor may be further extended by any judge of a court of record on notice to both parties. No action shall be commenced on any such claim where such examination

has been required until the same is held. Such accident report book as may be required by the council to be kept in the department of law shall only be open to the inspection of the mayor and the council.

## TITLE XIII.

### SUPERVISORS.

§ 345. The electors of each ward shall elect one supervisor, whose term of office shall be two years. Supervisors in office at the time of the taking effect of this act shall continue in office until the expiration of their terms. The supervisors shall have the same powers as supervisors of the towns of Erie county and the supervisor of each ward shall in his ward possess the powers of town fence viewers.

§ 346. If a vacancy exist or occur in the office of supervisor, it shall be filled by the council for the unexpired term. A supervisor so elected by the council to fill a vacancy shall be a resident of the ward in which the vacancy occurs.

## TITLE XIV.

### MISCELLANEOUS PROVISIONS RELATIVE TO PUBLIC GROUNDS, STREETS AND WATERS.

§ 350. The council shall have jurisdiction over all navigable waters under the control of the city. The city officer or officers designated by the council shall have authority to direct the location and change of station of every steamboat, sailing vessel, float or other craft therein. In case any steam-

boat, sailing vessel, float or other craft shall be so placed as to obstruct navigation and the person in charge thereof shall refuse to remove it as directed, any such officer shall cause such removal to be made and the expense shall be a lien on the steamboat, vessel or float so removed and may be recovered by the city of the owner by action. Whenever any sunken vessel or wreck shall obstruct navigation of any navigable water under the control of the city any such officer shall order the owner or person in charge of such sunken vessel or wreck to remove the same at once; and in case his order is not obeyed he shall cause the removal to be made and the expense thereof shall be a lien upon the vessel or wreck so removed, and may be recovered by the city of the owner by action.

§ 351. The council shall have the right to provide for the exclusive disposition and sale of the right and privilege to cut and remove all ice formed upon the waters under the jurisdiction of the city and to direct the disposition of all moneys received therefor.

§ 352. The city may rent or lease docks or rent or lease the site thereof, for such term of years as may be agreed upon.

§ 353. The grade of each street shall be established and described, and the description of such grade, and of all alterations thereof, shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded. The streets shall be suitably divided into carriageways and sidewalks.

§ 354. The city may discontinue or contract a street or alley, or any part of it, upon the written



application of two-thirds in number of the owners of the lands fronting on the street or alley, the lineal front of whose lands shall constitute two-thirds of the lineal front of all the lands on the street or alley. A continuous street or alley, portions of which bear different names, is to be considered as a single street or alley.

§ 355. Whenever it is proposed by the council to pave or repave any street or alley, plans and quantities shall be prepared for doing the same with each kind of pavement, for the laying of which specifications have been filed by the superintendent of public works. The superintendent of public works shall advertise for bids for doing the same in accordance with such plans, specifications and quantities, and report the same to the council. After receiving such report, the council shall determine which kind of pavement shall be used, and in case a majority petition shall not have been presented, for the kind so determined upon, shall pass a resolution of intention to order the street paved with any kind of pavement it may select. The petition for the paving or repaving of any street or alley may specify generally the material to be used in such work, and such petition shall be regarded as an application for the use of any material of the kind designated in the petition for which specifications have been filed with the superintendent of public works or the petition may designate particularly any kind of pavement for which specifications have been filed as aforesaid, which the petitioner desires shall be used. The specifications may provide that the persons submitting bids or proposals shall agree to enter into contract to do the work, and to keep and maintain the same in good repair for a certain definite

period, and a contract may be entered into in accordance therewith, and a local assessment made to defray the expense thereof, anything in this act to the contrary notwithstanding.

§ 356. When the expense of the work or improvement mentioned in the last section will exceed the sum of five hundred dollars, it shall not be ordered except:

1. Upon the vote of four-fifths of all the members elected to the council, and after notice of the intention to order it shall have been published three times a week for two weeks, in the official paper of the city; or,

2. Unless it shall be applied for by a majority of the resident owners of the lands fronting on the street or alley, representing at least two-fifths of all the feet front of the lands on the street or alley, in and along which such improvement is to be made, or if such improvement is intended to be made in and along only part of such street or alley, at least two-fifths of all the lands fronting on the part of such street or alley as to which such improvement is to be made. The application shall be referred to the assessor, to ascertain whether such majority, and the owners of two-fifths of the lands, applied for the improvement. Unless the assessor shall certify that such application is made by a majority of such owners, and that they own at least two-fifths of the land as herein provided, the improvement shall not be ordered. The assessor shall return the application to the council, with his certificate thereon as to the facts required, which certificate shall be conclusive as to the facts. The assessor shall also certify whether, in his judgment, any of the lands

have been divided for the purpose of affecting such majority.

§ 357. Whenever the council is authorized or required by law or ordinance to order any work or take any action on any majority or other petition, such petition shall be referred to the assessor to ascertain whether it is the necessary majority petition or is signed by the necessary persons or sufficient thereof, or represents a sufficient proportion of the property as the case may be, and the assessor shall return the application to the council with his certificate thereon as to the facts required, which certificate shall be conclusive as to the facts. No person signing a petition shall within three months after such petition is presented to the council be considered or counted on any other petition for the same work or improvement, or any part thereof, or on a remonstrance against the same, without the consent of the council, nor shall any person be allowed to withdraw his name from any petition, or add his name thereto, during the same period, without the like consent. If such consent is given in either or any of the cases aforesaid, the petition, if theretofore returned by the assessor, shall be again referred to him and he shall again examine the petition, and return the same to the council with his certificate as to the facts required, which certificate shall be conclusive as to the facts.

§ 358. The city shall have power to ascertain, establish and settle the boundaries of all public waters, streets, alleys, parks, squares, open spaces and other public grounds, to cause them to be surveyed and described and to direct the city clerk to record the same.

§ 359. Buffalo river within the city is a public highway, but any bridge built prior to the year eighteen hundred and ninety-five, and now existing over the same, and any swing or draw bridge thereafter built over the same, within the city by its authority, is a lawful structure.

§ 360. The city may widen, straighten, enlarge, clear from obstruction, dredge, deepen, embank and dyke the Buffalo river, Cazenovia creek, the Black Rock harbor, the lake, the basins, slips and waters in the city, and may put and maintain in navigable condition all said waters in the city except Cazenovia creek, and may construct new drainage channels to abate floods, and prevent the overflow of the waters of the said Buffalo river and Cazenovia creek, or either of them. The expense or any part of the expense of any work or improvement mentioned in this section may be paid out of the general fund or by local assessments as the council shall determine, provided, however, that not more than one-third of the expense of doing any of the work or making any of the foregoing improvements, when done or made for the purpose of abating floods, and preventing the overflow of the waters of the Buffalo river and Cazenovia creek, or either of them, shall be paid out of the general fund, and the remainder of such expense shall be defrayed by local assessment. Nothing in this act shall be construed to allow the city of Buffalo to have, use or exercise any control over the canals, basins, harbors, slips or other works belonging to the state within the limits of the city.

§ 361. When the city shall alter the recorded grade of any street or alley, the owner of any house or lot fronting thereon may, within one year

thereafter, claim damages by reason of such alteration. Upon presentation of such claim, the council shall refer it to the assessor. The assessor shall hear the claimant, and award such damages as shall be just, subject to review by the council. In case the assessor shall award damages to any person, he shall assess the same upon the real estate benefited by the alteration. The amount so assessed shall, when collected, be paid to such claimant.

§ 362. The city shall include in the plans, specifications and quantities of the improvement of any street by paving or otherwise, which shall be hereafter ordered, the specifications and quantities of work and material necessary to be done and furnished for the purpose of making connections with the pavement or grade, in all streets crossing the one in which such improvement is to be made, and for connecting the termination of such improvement with the work and grade on such street. The expense of the labor and materials of the connections shall be included in the assessment ordered to defray the expense of the improvement, and shall be assessed upon the property benefited thereby.

§ 363. The city may light the streets or contract for the lighting of them, and may purchase, construct, maintain and regulate works to provide the city and its inhabitants with light. The city may contract with any person or corporation for lighting the public buildings and the streets of the city, and keeping the lamps in repair, for such time as the council shall designate, not exceeding five years for any one contract. Section fifty of this act shall not apply to any such contract.

## TITLE XV.

## MISCELLANEOUS PROVISIONS.

§ 370. The council shall provide by ordinance the manner in which any paper required by this act to be presented or submitted to it may be so presented or submitted, during its meetings and during the intervals between its meetings.

§ 371. No person elected or appointed to any salaried office under this act shall, during his term of office, hold any other public office whatever, except that of notary public or commissioner of deeds, nor shall he be directly or indirectly interested in any contract to which the city or any department thereof is a party if such contract pertains or in any manner relates to the department in which he may be employed, or has to be voted for or approved by him. If any person holding any salaried office under this act shall accept any other public office, he shall thereby cease to hold his office under this act. No officer shall receive any compensation, perquisite or benefit in any way, except his salary, fixed by law or ordinance, for any service performed, work done, or permit granted under any public authority, except as notary public and commissioner of deeds, except as in this act otherwise provided.

§ 372. Every bond and undertaking required by this act, or by any ordinance passed thereunder, shall be acknowledged by the parties executing it, and the sureties therein shall justify in the form herein prescribed. A bond or undertaking as prescribed in this act must, where two or more persons execute it, be joint and several in form, and must be accompanied with the affi-

davit of each surety subjoined thereto to the effect that he is a resident of, and a householder, or a freeholder, within the city, and is worth the amount of the penalty of the bond over all the debts and liabilities which he owes or has incurred, and exclusive of property exempt by law from levy and sale under an execution. But where the penalty of the bond is ten thousand dollars or upwards, the sum in which a surety is required to justify may be made up by the justification of two or more sureties, each in a smaller sum. The certificates of acknowledgment and the affidavits of justification shall be upon the bond or undertaking. No bond or undertaking shall be accepted or filed until approved by such officer as the council may designate by ordinance, and his approval indorsed thereon.

§ 373. The council shall have power to provide by ordinance that every bond given for the performance of any contract made by the city shall contain a clause that the person, copartnership, association or corporation entering into such contract with the city will pay for all materials used and services rendered in the execution of such contract, and that any person, copartnership, association or corporation furnishing materials or rendering services in or about the execution of such contract may maintain an action to recover for the same against the obligors in such bond as though said person, copartnership, association or corporation were therein named, provided such action be brought within one year after the time the cause of action accrued. The obligors in any such bond shall be liable and may be sued accordingly. Notice of the commencement of such action and of all proceedings therein shall be given to

the corporation counsel, and in default of such notice no recovery shall be had in such action.

§ 374. The city clerk shall record all official bonds at full length, in a book kept by him for that purpose, and, when required, he shall make a certified copy of such records. In case of the loss of any bond, the record thereof, or a certified copy of such record, shall be received in evidence with the same force and effect as the original.

§ 375. Any deputy of a city officer shall in the absence or inability of his principal to perform the duties of the office and during a vacancy therein, perform the duties thereof. Each deputy, before entering upon his office, shall take the oath of office prescribed by the constitution, and give the bond or undertaking prescribed by this act, or by the ordinances of the city.

§ 376. All city officers and their deputies shall be ex-officio commissioners of deeds, but as such shall not be entitled to receive any fees from the city.

§ 377. Any person elected or appointed under this act to any office or place, who shall, upon the expiration of the term for which he was elected or appointed, or upon his removal from such office or place, refuse to deliver the books, papers and effects pertaining to the office or place to his successor or other person having the right to their possession, shall be guilty of a misdemeanor, and may also be proceeded against in the manner provided in the public officers law.

§ 378. Every officer of the city, and every person employed by the city, or by any officer of the



city, who shall lend or convert to his use, or to the use of another, money belonging to the city, shall be guilty of larceny. Any officer who shall willfully neglect his duty shall be guilty of a misdemeanor.

§ 379. The books, documents, maps, rolls and papers in the office of any city officer shall, at all reasonable times, be open to the inspection and examination of the public. If any officer shall unreasonably refuse to produce and submit to the inspection of any person any such book, document, map, roll or paper he shall forfeit fifty dollars to the city, to be recovered by action.

§ 380. The city is hereby authorized to issue either registered or coupon bonds under this act and under any law heretofore or hereafter enacted, authorizing the issue of the bonds of the said city, and shall, at the request of the holder of any coupon bonds, whether heretofore or hereafter issued, issue and deliver to the said holder, on delivery and surrender to the city thereof, registered bonds of equal amount. Such bonds shall be divided into and issued in such amounts as the said holder shall desire, provided that the city shall not be required to issue any bond for a less sum than one thousand dollars; and provided, further, that the bonds so issued shall be payable upon the same terms and at the same time as the bonds for which they are exchanged. Upon the delivery and surrender of registered bonds, with due proof of assignment or transfer thereof as required by law, the mayor and superintendent of the department of finance and accounts may cancel said bonds and issue in exchange therefor new registered bonds of equal amount, to be payable upon the same terms and at the same time as the

bonds for which they are exchanged. Such bonds may be divided into and issued in such denominations as the holder shall desire, provided that the city shall not be required to issue any bond for less than one thousand dollars. The city shall keep a record of all bonds surrendered for exchange, and by whom surrendered, and of all bonds issued in exchange therefor, and to whom issued, containing the dates, numbers and the amounts of the said bonds, and a reference to the laws or resolutions under which they were issued. All bonds issued by the said city after the thirtieth day of March, nineteen hundred and eight, shall be free and exempt from all taxation except for state purposes.

§ 381. Whenever bonds are issued by the city for the purpose of raising money, the council shall publish a notice in five successive numbers of the official paper, Sundays excepted, and in two other daily papers of the city, stating the amount of bonds to be issued, their rate of interest and the time of their payment, and that sealed proposals will be received by it until a day specified in the notice, not less than ten days from the first publication thereof, for all or any portion of the bonds issued. Each proposal shall state the amount of the bonds desired, and the price bid for each one hundred dollars thereof. On the day specified in the notice, the council shall publicly open the proposals and the bonds shall be sold to the person or persons whose bids are most favorable to the city, but no bonds shall be sold at less than their par value. The council may reject any or all bids received. Nothing in this section contained shall be construed to prevent the council from awarding any bonds at their par value in

trust for any redemption or sinking fund of the city, without advertising. And nothing in this section contained shall be construed to prevent the council from awarding any bonds at their par value to the board of trustees of the firemen's relief and pension fund, the board of trustees of the public school teachers' retirement fund, or the board of trustees of the police pension fund, and as an investment of any of said funds, without advertising. Where no proposals shall be received, as herein provided, for the par value of bonds, and the accrued interest thereon, after such advertising, the council may, within sixty days thereafter, award the bonds so advertised to any person for not less than their par value and accrued interest.

§ 382. Whenever any street or portion of a street, laid out and located by the commissioners of the land office within the south village of Black Rock as known and designated upon the records, surveys and maps of said commissioners, or appearing upon said records, maps or surveys, shall be discontinued or contracted as a public highway or street by the authority of the council, the city by its council may cause to be conveyed to the owners of lands adjacent to the parts of said street, which shall have been so discontinued, and to no others, the portions of such street which shall have been discontinued.

§ 383. The printed minutes of the proceedings of the council, when approved of or confirmed by it, and verified by the city clerk, shall be received by all the courts of this state as a prima facie evidence of such proceedings.

§ 384. No person shall be incompetent to act as judge, justice, commissioner, referee, juror or

witness by reason of his being a resident or freeholder of the city, in any action or proceeding to which the city is a party, or in which it is interested.

§ 385. The journals of the council, or a copy thereof, certified by the city clerk, shall be evidence of the proceedings therein set forth.

§ 386. All the records, including all tax and assessment-rolls, documents and maps required or permitted by law to be filed and kept in any office of the city, when certified by the clerk, head or chief of said office, and attested by the mayor under the seal of the city, shall be admitted in evidence in all courts, and shall be presumptive evidence of the facts or proceedings appearing therein.

§ 387. The seal at present used by the city as its corporate seal shall continue to be the seal of the city.

§ 388. Any clerk making a certified copy of any record under his control, for the use of any other person than an officer of the city, shall charge and collect a fee therefor, not exceeding five cents a folio for each paper copied and twenty-five cents for his certificate.

§ 389. It shall not be necessary for the city, in any action or proceeding in which it is a party, to give any bond, undertaking or security on appeal, or in order to obtain a provisional remedy, or to take or to prevent any other proceeding.

§ 390. Any officer or the member of any board authorized by the council to make any investigation, hear any complaint or conduct any proceed-

ings in the form of a trial, shall have power to administer oaths and issue subpoenas. Power is hereby conferred upon the municipal civil service commission to issue subpoenas for witnesses to appear before it, to administer oaths to such witnesses and to examine them concerning the reasons for the removal of any employee of the city, except those within the exempt class under the civil service law. In case any such witness shall refuse to appear, or answer any proper question, he may be ordered so to do by a justice of any court of record and punished for his disobedience of any such order, in the method provided in section twenty of this act.

§ 391. A majority of the members of any board constituted under this act shall be a quorum for the transaction of any business of the board, unless otherwise provided.

§ 392. In contracting for any work required to be done by the city, a clause shall be inserted that the contractor submitting proposals shall bind himself in the performance of such work not to discriminate either as to workmen or wages against members of labor organizations; or to accept any more than eight hours as a day's work to be performed within nine consecutive hours. Nor shall any man or set of men be employed for more than eight hours in twenty-four consecutive hours except in case of necessity, in which case pay for such labor shall be at the rate of time and one-half for all time in excess of such eight hours.

§ 393. Except for repairs, no patented pavement shall be laid, and no patented article shall be advertised for, contracted for or purchased except under such circumstances that there can be a fair

and reasonable opportunity for competition, the conditions to secure which shall be prescribed by the person, board or body authorized to contract for such article so advertised for.

§ 394. The council shall designate the banks in which the treasurer shall deposit the money of the city, and require from each bank security for the payment thereof. It shall be lawful for the city to borrow money temporarily, from time to time, as occasion requires, in anticipation of the collection of taxes and resources, from the bank depositories so designated, upon checks signed by the treasurer, and countersigned by the mayor, in such amounts as the council may authorize. Said depositories are hereby authorized to loan such moneys according to such authorization.

## TITLE XVI.

### LAWS REPEALED; WHEN ACT TO TAKE EFFECT; SAVING CLAUSE.

§ 395. All acts or parts of acts inconsistent with this act are hereby repealed, except as provided in section three hundred and ninety-eight hereof, and except that "An act to establish the city court of Buffalo, defining its powers and jurisdiction and providing for its officers," passed May twenty-ninth, nineteen hundred and nine, being chapter five hundred and seventy of the laws of nineteen hundred and nine, and the acts amending said act and supplementary thereto, and chapter six hundred and fifty-one of the laws of nineteen hundred and eleven, establishing the chil-

dren's court of Buffalo, and the acts amendatory thereof shall not be repealed or affected by this act.

§ 396. All proceedings, matters and things which shall have been begun, or regarding which any action or preliminary steps shall have been duly taken by the city of Buffalo, or its departments, officers, agents or servants, prior to the first Monday in January, nineteen hundred and sixteen, are hereby ratified and confirmed, and shall be continued, carried on, and completed under the provisions of this act, the same as if such proceedings, matters and things were begun, and such action and steps had been taken in conformity with the provisions of this act. Proceedings for the levying of taxes and assessments and the collection of the same, and the sale of lands for the non-payment of the same, pending and incomplete on the first Monday of January, nineteen hundred and sixteen, shall be carried on and completed under the provisions of this act. Provided, however, that this act shall not affect any proceeding, matter or thing which was begun, or regarding which any action or preliminary steps have been taken by the city of Buffalo, or its departments, officers and agents or servants, or any proceedings for the levying of taxes and assessments and the collection of the same, concerning which any suit or special proceeding is now pending in any court, or concerning which any suit or special proceeding shall be pending on the first day of January, nineteen hundred and sixteen, but the validity and effect of all said proceedings, matters and things, taxes and assessments, shall be adjudged and determined in such suits and proceedings as the same would be adjudged if this act had not been passed.

§ 397. The mayor, elected by the people on November fourth, nineteen hundred and thirteen, shall be the mayor of the city until the term of office for which he has been elected shall have expired, subject to the provisions of this act. At the election prior to the expiration of the term of office of the said mayor, a mayor shall be elected for a term of four years. The comptroller, tax assessor and corporation counsel elected by the people on November fourth, nineteen hundred and thirteen, and all other elected officers whose terms shall not have expired on January first, nineteen hundred and sixteen, excepting members of the common council, shall retain their offices until their terms of office shall have expired, subject to the provisions of this act, except in relation to removal from office and thereafter these offices shall be filled by the council, as provided by section forty-four of this act, if any such office is abolished then such officer shall be continued in a similar position with compensating duties and salary.

§ 398. This act shall take effect immediately; provided, nevertheless, that the powers hereby conferred shall not be exercised, and the provisions of chapter one hundred and five of the laws of eighteen hundred and ninety-one, and the acts amendatory thereof and supplementary thereto, shall not be superseded or affected by the passage of this act, until the following, to wit: "Shall chapter (stating the chapter number of this act) of the laws of nineteen hundred and fourteen, entitled 'An act to provide a charter for the city of Buffalo,' be approved?" shall have been submitted to the electors of the city of Buffalo at the general election to be held in November, nineteen hundred and fourteen, and a majority of the votes cast for



and against approval shall have been cast in the affirmative thereof. In case the majority of the votes cast for and against approval shall be cast in the affirmative, the first primary election, for the nomination of four councilmen only, shall be held on the third Tuesday before the general election, nineteen hundred and fifteen, and the first election hereunder shall be held on the day of the general election in nineteen hundred and fifteen, and the officials then elected, together with the mayor of the city, as provided for in section three hundred and ninety-seven hereof, shall take office hereunder on the first day of January, nineteen hundred and sixteen, and thereafter the powers and duties of the city and its officers shall be as herein provided, but the corporate powers of the city of Buffalo, and the powers conferred upon its officers, as heretofore existing, shall in no wise be abridged by this act until the officers so elected hereunder at the general election in nineteen hundred and fifteen, shall have taken office in pursuance of this act.



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